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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 24, dated August 12, 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.

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<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 5-30-200	Amended	19:9 VA.R. 1338	2/12/03
4 VAC 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-30-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-30-40	Amended	19:7 VA.R. 1074	11/25/02
4 VAC 15-320-20	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-25	Added	19:5 VA.R. 805	1/1/03
4 VAC 15-320-30	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-320-50	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-10	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-100	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-120	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-160	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-190	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-340-60	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-350-30	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-360-10	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-370-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-30	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-370-51	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-70	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-80	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-380-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-20	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-30	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-40	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-60	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-70	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-80 through 4 VAC 15-380-130	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-390-10	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-11	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-50	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-70	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-90	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-100	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-110	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-130	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-140	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-150	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-160	Added	19:5 VA.R. 808	1/1/03

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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4 VAC 15-400-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-50	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-420-10 through 4 VAC 15-420-120	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-430-10 through 4 VAC 15-430-220	Added	19:5 VA.R. 809	1/1/03
4 VAC 15-440-10 through 4 VAC 15-440-60	Added	19:5 VA.R. 809	1/1/03
4 VAC 20-252-20	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-140	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-160	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-30	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-40	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-530-10	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-20	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-23	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-26	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-29	Added	19:10 VA.R. 1488	1/1/03
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 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-10 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-20 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:9 VA.R. 1339	12/27/02
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-40 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	19:9 VA.R. 1339-1342	12/27/02
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-720-50 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-70 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-720-80	Amended	19:5 VA.R. 809	11/1/02
4 VAC 20-720-110 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-754-10 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-20 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-754-30 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30	Amended	19:3 VA.R. 440	9/26/02
4 VAC 20-754-30	Amended	19:8 VA.R. 1193	11/27/02
4 VAC 20-950-10	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-40	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-46	Added	19:10 VA.R. 1490	1/1/03
4 VAC 20-950-47	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-48	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-49	Added	19:10 VA.R. 1491	1/1/03
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-210-10 through 6 VAC 20-210-110 emer	Added	19:10 VA.R. 1511-1512	1/7/03-1/6/04
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

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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
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
<b>Title 8. Education</b>			
8 VAC 20-650-10	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-20	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-30	Added	19:10 VA.R. 1492	3/1/03
<b>Title 9. Environment</b>			
9 VAC 5-40-90	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-40-120	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-50-90	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-120	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-400	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-410	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-420	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-60	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-90	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-100	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	19:3 VA.R. 441-454	12/1/02
9 VAC 5-91-380	Amended	19:3 VA.R. 455	12/1/02
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 5-510-170	Erratum	19:7 VA.R. 1119	--
9 VAC 10-10-10	Amended	19:8 VA.R. 1194	1/29/03
9 VAC 10-10-20	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-30	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-40	Repealed	19:8 VA.R. 1197	1/29/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
9 VAC 20-150-30	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-40	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-80	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-100	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-110	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-130	Amended	19:6 VA.R. 1008	11/13/02
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

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-120-10	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-20	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-31	Repealed	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-50 through 9 VAC 25-120-80	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-180-10	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-20	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-40	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-50	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-55	Added	19:4 VA.R. 629	12/4/02
9 VAC 25-180-60	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-70	Amended	19:4 VA.R. 630	12/4/02
9 VAC 25-195	Repealed	19:10 VA.R. 1494	3/4/03
9 VAC 25-196-40 through 9 VAC 25-196-70	Amended	19:10 VA.R. 1495	3/2/03
9 VAC 25-196-80	Repealed	19:10 VA.R. 1495	3/2/03
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	1/15/03 <sup>1</sup>
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	<sup>2</sup>
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	<sup>2</sup>
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	1/15/03 <sup>1</sup>
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	1/15/03 <sup>1</sup>
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	<sup>2</sup>
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	<sup>2</sup>
9 VAC 25-420	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-430	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-440	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-450	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-452	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-460	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-470	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-480	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-490	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-500	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-510	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-520	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-530	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-540	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-550	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-560	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-570	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-572	Repealed	18:26 VA.R. 3808	<sup>3</sup>
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	18:26 VA.R. 3809-3852	<sup>3</sup>
9 VAC 25-750-10 through 9 VAC 25-750-50	Added	19:4 VA.R. 645-658	12/9/02
9 VAC 25-770-10 through 9 VAC 25-770-190 emer	Added	19:8 VA.R. 1260-1267	12/5/02-12/4/03
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-200-75	Added	19:9 VA.R. 1344	1/1/03
<b>Title 11. Gaming</b>			
11 VAC 10-130-80	Amended	19:3 VA.R. 478	9/27/02
<b>Title 12. Health</b>			
12 VAC 5-30	Repealed	19:3 VA.R. 478	1/15/03 <sup>4</sup>
12 VAC 5-31-10 through 12 VAC 5-31-600	Added	19:3 VA.R. 479-493	1/15/03 <sup>4</sup>
12 VAC 5-31-610	Added	19:3 VA.R. 493	<sup>5</sup>

<sup>1</sup> Notice of effective date published in 19:7 VA.R. 1074.

<sup>2</sup> 30 days after notice in the *Virginia Register* of EPA approval.

<sup>3</sup> Effective date suspended at publication for further public comment.

<sup>4</sup> Notice of change of effective date published in 19:9 VA.R. 1345.

<sup>5</sup> Effective date suspended in 19:10 VA.R. 1495.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-31-620	Added	19:3 VA.R. 494	<sup>5</sup>
12 VAC 5-31-630 through 12 VAC 5-31-720	Added	19:3 VA.R. 494-503	1/15/03 <sup>4</sup>
12 VAC 5-31-730	Added	19:3 VA.R. 516	<sup>5</sup>
12 VAC 5-31-740 through 12 VAC 5-31-930	Added	19:3 VA.R. 494-503	1/15/03 <sup>4</sup>
12 VAC 5-31-940	Added	19:3 VA.R. 503	<sup>5</sup>
12 VAC 5-31-950	Added	19:3 VA.R. 503	1/15/03 <sup>4</sup>
12 VAC 5-31-960	Added	19:3 VA.R. 503	1/15/03 <sup>4</sup>
12 VAC 5-31-970	Withdrawn	19:10 VA.R. 1495	--
12 VAC 5-31-980 through 12 VAC 5-31-1020	Added	19:3 VA.R. 503-504	1/15/03 <sup>4</sup>
12 VAC 5-31-1030	Added	19:3 VA.R. 504	<sup>5</sup>
12 VAC 5-31-1040	Added	19:3 VA.R. 504	1/15/03 <sup>4</sup>
12 VAC 5-31-1050	Withdrawn	19:8 VA.R. 1197	--
12 VAC 5-31-1060 through 12 VAC 5-31-1130	Added	19:3 VA.R. 504	1/15/03 <sup>4</sup>
12 VAC 5-31-1140	Added	19:3 VA.R. 505	<sup>5</sup>
12 VAC 5-31-1150 through 12 VAC 5-31-2260	Added	19:3 VA.R. 516-529	1/15/03 <sup>4</sup>
12 VAC 5-31-2090	Erratum	19:7 VA.R. 1119	--
12 VAC 5-220-10	Amended	19:8 VA.R. 1198	2/3/03
12 VAC 5-220-90	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-105	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-150	Repealed	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-160	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-180	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-200	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-230	Amended	19:8 VA.R. 1205	2/3/03
12 VAC 5-220-270	Amended	19:8 VA.R. 1206	2/3/03
12 VAC 5-220-280	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-355	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-385	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-420	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-220-470	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-250-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-80	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-100	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-30	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-280-70	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-10	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-300-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-310-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-50	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-150	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-430	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-340-30	Amended	19:8 VA.R. 1211	2/3/03

<sup>4</sup> Notice of change of effective date published in 19:9 VA.R. 1345.

<sup>5</sup> Effective date suspended in 19:10 VA.R. 1495.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-360-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-40	Amended	19:8 VA.R. 1212	2/3/03
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 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
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 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
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 30-90-18 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 30-120-10 through 12 VAC 30-120-50	Amended	19:8 VA.R. 1212-1223	2/1/03
12 VAC 30-120-55	Added	19:8 VA.R. 1223	2/1/03
12 VAC 30-120-60	Amended	19:8 VA.R. 1224	2/1/03
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 30-135-10 through 12 VAC 30-135-80 emer	Added	19:8 VA.R. 1268-1269	12/4/02-9/30/03
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 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 35-190-10	Amended	19:7 VA.R. 1075	1/15/03
12 VAC 35-190-20	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-21	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-30	Amended	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-40	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-41	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-50	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-51	Added	19:7 VA.R. 1076	1/15/03
<b>Title 13. Housing</b>			
13 VAC 10-20-20	Amended	19:2 VA.R. 349	9/20/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
<b>Title 14. Insurance</b>			
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-170-20	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-30	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-60	Amended	19:4 VA.R. 661	10/24/02
14 VAC 5-170-70	Amended	19:4 VA.R. 662	10/24/02
14 VAC 5-170-105	Amended	19:4 VA.R. 665	10/24/02
14 VAC 5-170-150	Amended	19:4 VA.R. 670	10/24/02
14 VAC 5-170-180	Amended	19:4 VA.R. 688	10/24/02
14 VAC 5-200-20	Amended	19:8 VA.R. 1232	<sup>6</sup>
14 VAC 5-200-30	Amended	19:8 VA.R. 1232	<sup>6</sup>
14 VAC 5-200-40	Amended	19:8 VA.R. 1232	<sup>6</sup>
14 VAC 5-200-60	Amended	19:8 VA.R. 1233	<sup>6</sup>
14 VAC 5-200-75	Amended	19:8 VA.R. 1235	<sup>6</sup>
14 VAC 5-200-77	Added	19:8 VA.R. 1235	<sup>6</sup>
14 VAC 5-200-150	Amended	19:8 VA.R. 1235	<sup>6</sup>
14 VAC 5-200-153	Added	19:8 VA.R. 1236	<sup>6</sup>
14 VAC 5-200-200	Amended	19:8 VA.R. 1238	<sup>6</sup>
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 5-350 (Forms)	Amended	19:5 VA.R. 814	--
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
<b>Title 16. Labor and Employment</b>			
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

<sup>6</sup> Effective date suspended in 19:9 VA.R. 1345.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
16 VAC 20-10-10	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-20	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-40	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-50	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-80	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-90	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-100	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 25-10-10	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-20	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-40	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-50	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-80	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-90	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-100	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-120	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-60-190	Amended	19:9 VA.R. 1346	3/1/03
16 VAC 25-60-290	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-60-320	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-85-1904.10	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.33	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.34	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.35 through 16 VAC 25-90-1910.38	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.39	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.119	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.120	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.157	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.268	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.272	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1047	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1050	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1051	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-100-1915.4	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.5	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.14	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.15	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.35	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.51	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.53	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.71 through 16 VAC 25-100-1915.75	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.77	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.92	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.97	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.112	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.115	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.116	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.118	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.131	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.134	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.152	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.158	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.159	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.160	Amended	19:9 VA.R. 1350	3/1/03

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-100-1915.163	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.165	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.172	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.181	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.1001	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203	Amended	19:9 VA.R. 1351	3/1/03
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-21-20	Amended	19:10 VA.R. 1496	2/28/03
18 VAC 10-10-10 through 18 VAC 10-10-90	Amended	19:10 VA.R. 1497	3/1/03
18 VAC 41-10-10 through 18 VAC 41-10-90	Added	19:10 VA.R. 1497	3/1/03
18 VAC 50-22-100	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-140	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-170	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-250	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-90 through 18 VAC 50-30-130	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-150	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 60-20-10	Amended	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-250 through 18 VAC 60-20-331	Added	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-20	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 60-20-30	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 65-30-10	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-30-80	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-40-340	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-20-310 through 18 VAC 85-20-390 emer	Added	19:7 VA.R. 1114-1117	11/18/02-11/17/03
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 85-101-10	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 85-110-10	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-30	Repealed	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-50	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-60	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-70	Repealed	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-80	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-150	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-155	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-160	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 90-40-100	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-110	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-120	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-50	Erratum	19:8 VA.R. 1273	--
18 VAC 90-50-10	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-40	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-50	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-60	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-70	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-75	Added	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-80	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 90-50-90	Amended	19:7 VA.R. 1086	1/15/03

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-80	Amended	19:7 VA.R. 1094	1/15/03
18 VAC 105-20-10	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-15	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-20	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-40 through 18 VAC 105-20-70	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-30-90	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-100	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-120	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 110-20-20	Amended	19:4 VA.R. 689	12/4/02
18 VAC 110-20-20	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 110-20-101 through 18 VAC 110-20-106	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-111	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Amended	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Erratum	19:11 VA.R. 1790	--
18 VAC 110-30-15	Amended	19:4 VA.R. 691	12/4/02
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 115-60-55	Added	19:10 VA.R. 1505	2/26/03
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
18 VAC 125-20-30	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-120	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-121	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-130	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 150-20-10	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-30	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-70	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-75	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-100	Amended	19:7 VA.R. 1113	1/15/03
18 VAC 150-20-100	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-110	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-120 through 18 VAC 150-20-140	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-171	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-172	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-180 through 18 VAC 150-20-200	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-181	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-205	Repealed	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-210	Amended	19:9 VA.R. 1351	3/1/03
<b>Title 19. Public Safety</b>			
19 VAC 30-20-10	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-50	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-80	Amended	19:10 VA.R. 1508	3/1/03
<b>Title 20. Public Utilities and Telecommunications</b>			
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	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-90	Erratum	19:5 VA.R. 819	--
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
<b>Title 22. Social Services</b>			
22 VAC 5-10-10	Amended	19:1 VA.R. 124	10/23/02

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
22 VAC 5-20-600	Amended	19:1 VA.R. 136	10/23/02
22 VAC 15-30 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
22 VAC 20-20-10 through 22 VAC 20-20-110	Amended	19:4 VA.R. 694	1/1/03
22 VAC 30-50-10 through 22 VAC 30-50-110	Added	19:9 VA.R. 1352-1354	2/13/03
22 VAC 40-60 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 40-71-10	Amended	19:8 VA.R. 1240	3/28/03
22 VAC 40-71-20	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-20	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-30	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-45	Added	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-50	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-60	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-80	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-90	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-110	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-130	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-150	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-160	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-170	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-180	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-210	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-270	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-275	Added	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-280	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-290	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-310	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-330	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-360	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-410	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-440	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-450	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-460	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-480	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-490	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-530	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-540	Amended	19:8 VA.R. 1251	3/28/03

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-550	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-560	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-570	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-580	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-590	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-600	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-630	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-640	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-650	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-660	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-670	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-680	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-690	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71 Part VI, Article 3	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-700	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-700	Erratum	19:11 VA.R. 1790	--
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 40-680-20	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-63	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-67	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-10	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-30	Amended	19:10 VA.R. 1510	2/26/03
22 VAC 40-705-10	Amended	19:6 VA.R. 1011	1/1/03
22 VAC 40-705-30 through 22 VAC 40-705-160	Amended	19:6 VA.R. 1014-1023	1/1/03
22 VAC 40-705-180	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-705-190	Amended	19:6 VA.R. 1023	1/1/03
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
<b>Title 24. Transportation and Motor Vehicles</b>			
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

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 3. ALCOHOLIC BEVERAGES

### ALCOHOLIC BEVERAGE CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-30. Tied-House**. The purpose of the proposed amendments is to (i) eliminate the restriction on Sunday merchandising activities, except in jurisdictions here local ordinances restrict Sunday sales of alcoholic beverages; (ii) remove the requirement that exchanges of wine or beer must be made with identical packages; (iii) allow sales of nonalcoholic merchandise and alcoholic beverages to appear on a single invoice, as long as the alcoholic beverage items are separately identified and totaled; (iv) repeal the section requiring a deposit on containers; (v) increase from \$5 to \$10 the maximum wholesale value of can or bottle openers given by a manufacturer, bottler, or wholesaler to a retailer, upon which advertising matter regarding alcoholic beverages appear; (vi) remove the limits on the number of wine or beer brands that may appear on a table tent; (vii) raise the per day per person limit on the value of business entertainment provided by wholesalers or manufacturers to employees of retail licensees to \$400; and (viii) remove the prohibition of routine business entertainment that requires an overnight stay. In addition, the board will consider any additional changes to the regulation that may be deemed advisable based on information developed during the public comment period.

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

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

Public comments may be submitted until March 12, 2003.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R03-114; Filed January 22, 2003, 10:43 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-40. Requirements for Produce Approval**. The purpose of the proposed amendments is to (i) remove the requirement for certification or analysis of wine products; (ii) extend the use of growlers to all licensees with the privilege of selling beer for on-and off-premises consumption (iii) remove the requirement for certification or analysis of beer products, and (vi) modify

the provision referring to the depiction of any athlete, former athlete or athletic team on beer labels to allow such depictions to the extent they are permitted in point-of-sale advertising. In addition, the board will consider any additional changes to the regulation which may be deemed advisable based upon information developed during the public comment period.

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

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

Public comments may be submitted until March 12, 2003.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R03-115; Filed January 22, 2003, 10:43 a.m.

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider promulgating regulations entitled: **6 VAC 20-210. Regulations for the Implementation of the Law Permitting DNA Analysis upon Arrest for All Violent Felonies and Certain Burglaries**. The purpose of the proposed action is to comply with §§ 19.2-310.2:1 and 19.2-310.3:1 of the Code of Virginia, effective January 1, 2003, permitting DNA analysis upon arrest for all violent felonies and certain burglaries.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until February 27, 2003.

**Contact:** Katya Newton, Counsel for Division of Forensic Science, 700 N. Fifth Street, Richmond, VA 23219, telephone (804) 786-6848, FAX (804) 786-6857 or e-mail [knewton@dfs.state.va.us](mailto:knewton@dfs.state.va.us).

VA.R. Doc. No. R03-111; Filed January 8, 2003, 10:52 a.m.

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# Notices of Intended Regulatory Action

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## TITLE 11. GAMING

### VIRGINIA RACING COMMISSION

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Racing Commission intends to consider amending regulations entitled: **11 VAC 10-70. Period of Authority.** The purpose of the proposed action is to amend the regulation to specify the period of appointment for stewards.

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

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public comments may be submitted until April 14, 2003.

**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, or e-mail [Anderson@vrc.state.va.us](mailto:Anderson@vrc.state.va.us).

VA.R. Doc. No. R03-116; Filed January 22, 2003, 11:09 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 5-200. Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals.** The purpose of the proposed action is to update the eligibility standards and requirements by which local health departments determine charges for health care services rendered to individuals.

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

Statutory Authority: §§ 32.1-11 and 32.1-12 of the Code of Virginia.

Public comments may be submitted until March 28, 2003.

**Contact:** Douglas R. Harris, Adjudication Officer, Department of Health, Main Street Station, 1500 East Main St., Room 308, Richmond, Virginia 23219, telephone (804) 786-3554, FAX (804) 786-6776 or e-mail [dharris@vdh.state.va.us](mailto:dharris@vdh.state.va.us).

VA.R. Doc. No. R03-119; Filed January 31, 2003, 7:46 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 5-230. State**

**Medical Facilities Plan** and repealing regulations entitled **12 VAC 5-240. General Acute Care Services, 12 VAC 5-250. Perinatal Services, 12 VAC 5-260. Cardiac Services, 12 VAC 5-270. General Surgical Services, 12 VAC 5-280. Organ Transplantation Services, 12 VAC 5-290. Psychiatric and Substance Abuse Treatment Services, 12 VAC 5-300. Mental Retardation Services, 12 VAC 5-310. Medical Rehabilitation Services, 12 VAC 5-320. Diagnostic Imaging Services, 12 VAC 5-330. Lithotripsy Services, 12 VAC 5-340. Radiation Therapy Services, 12 VAC 5-350. Miscellaneous Capital Expenditures, and 12 VAC 5-360. Nursing Home Services.** The purpose of the proposed action is to develop a comprehensive revision to the State Medical Facilities Plan (12 VAC 5-230), consolidate provisions from 14 separate regulations, update current criteria with nationally accepted standards, and repeal chapters 12 VAC 5-240 through 12 VAC 5-360 of the Virginia Administrative Code.

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 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until March 28, 2003.

**Contact:** Carrie Eddy, Senior Policy Analyst, Center for Quality Health Care Services, Department of Health, 3600 W. Broad Street, Suite 216, Richmond, Virginia 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail [ceddy@vdh.state.va.us](mailto:ceddy@vdh.state.va.us).

VA.R. Doc. No. R03-117; Filed January 23, 2003, 9:46 a.m.



## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD FOR CONTRACTORS

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled: **18 VAC 50-22. Board for Contractors Regulations.** The purpose of the proposed action is to amend the current regulations to reflect statutory changes, respond to changes in the industry and revise language for clarity and ease of use.

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

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public comments may be submitted until March 26, 2003.

**Contact:** Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, or e-mail [olson@dpor.state.va.us](mailto:olson@dpor.state.va.us).

VA.R. Doc. No. R03-118; Filed January 29, 2003, 1:02 p.m.

## BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

VA 23219, telephone (804) 692-1264, FAX (804) 692-2215, or e-mail [cml2@dss.state.va.us](mailto:cml2@dss.state.va.us).

VA.R. Doc. No. R03-112; Filed January 21, 2003, 3:12 p.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Waste Management Facility Operators intends to consider amending regulations entitled: **18 VAC 155-20. Waste Management Facility Operators Regulations**. The purpose of the proposed action is to (i) review all classes of waste management facility operator licenses, (ii) specifically review the current regulations' effectiveness regarding municipal solid waste composting facilities, (iii) specifically review the current regulations' effectiveness in regulating municipal waste combustor facilities, (iv) examine ways to enable the regulations to respond more effectively to emerging waste management technologies, and (v) to conduct a general review of the current regulations' effectiveness.

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

Statutory Authority: § 54.1-2211 of the Code of Virginia.

Public comments may be submitted until March 21, 2003.

**Contact:** Joseph Kossan, Assistant Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, or e-mail [wastemgt@dpor.state.va.us](mailto:wastemgt@dpor.state.va.us).

VA.R. Doc. No. R03-113; Filed January 21, 2003, 3:39 p.m.

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-740. Adult Protective Services**. The purpose of the proposed action is to provide guidelines to local departments of social services for investigating reports and protecting the health, safety, and welfare of elders and adults with disabilities and to maximize statewide consistency in the implementation of the Adult Protective Services Program.

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

Statutory Authority: §§ 63.2-217 and 63.2-1610 and § 2001 (3) of Title XX of the Social Security Act.

Public comments may be submitted until March 12, 2003.

**Contact:** Cindy Lee, Adult Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond,

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## 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.

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **9 VAC 5-40. Existing Stationary Sources (amending 9 VAC 5-40-5800, 9 VAC 5-40-5810, 9 VAC 5-40-5820, 9 VAC 5-40-5822, 9 VAC 5-40-5824, 9 VAC 5-40-5850, 9 VAC 5-40-5855, 9 VAC 5-40-5860, 9 VAC 5-40-5870, 9 VAC 5-40-5880, 9 VAC 5-40-5890, 9 VAC 5-40-5910, and 9 VAC 5-40-5920).**

Statutory Authority: § 10.1-1308 of the Code of Virginia; §§ 110, 111, 123, 129, 171, 172, and 182 of the Clean Air Act; 40 CFR Parts 51 and 60.

Public Hearing Date: April 9, 2003 - 9 a.m.

Public comments may be submitted until April 25, 2003.  
(See Calendar of Events section for additional information)

Agency Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, or e-mail kgsabastea@deq.state.va.us.

Basis: Section 10.1-1308 of the Virginia Air Pollution Control Law authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare.

Purpose: The purpose of the regulation is to establish emission standards that require the owners of municipal solid waste landfills (MSWLs) to limit emissions of volatile organic compounds (VOCs) and nonmethane organic compounds (NMOCs) to a specified level necessary to protect public health and welfare. The purpose of the proposed amendments is to amend the regulation in order to meet the requirements of § 111(d) of the federal Clean Air Act and 40 CFR Part 60 Subpart Cc of federal regulations.

#### Substance:

A. General cross-references to "design applicability criteria" and "emission rate applicability criteria" have been replaced with specific criteria throughout the regulation.

B. Specific design capacity criteria have been revised for consistency with 40 CFR Part 60.

C. Minor revisions for clarity promulgated by EPA on February 24, 1999, have been made.

D. Minor revisions for clarity promulgated by EPA on April 10, 2000, have been made.

E. Minor revisions for clarity and minor corrections have been made.

Issues: There are no disadvantages to the public associated with this action. The regulation will be improved by

incorporation of EPA's clarifications and corrections. This will result in improved understanding and implementation of the regulation, which improves compliance, and more efficient and effective source operation. Ultimately, this will contribute to the reduction of air pollution and a concurrent improvement in public health and welfare.

There are no disadvantages to the department associated with this action. Improved understanding and implementation of the regulation will result in improved compliance, which will result in more efficient and effective operation of sources. Additionally, submission of this regulation as part of the § 111(d) plan will enable the department to implement the program without EPA oversight.

Localities Particularly Affected: Sources located in the Northern Virginia Volatile Organic Compound Emissions Control Area (Arlington County, Alexandria City, Fairfax County, Fairfax City, Falls Church City, Loudoun County, Manassas City, Manassas Park City, Prince William County, and Stafford County) must meet more restrictive applicability requirements in terms of design capacity and emission standards in order to meet § 110 State Implementation Plan requirements.

Public Participation: The department is seeking comment on the proposed regulation and the costs and benefits of the proposal. The department is also seeking comment on the impacts of the proposed regulation on farm and forest lands, as well as any pollution prevention benefits that could be realized.

#### Fiscal Impact:

Entities Affected. Approximately 95 municipal solid waste landfills are affected by this regulation.

Costs to Affected Entities. The affected regulation has been effective since 1999. The sources subject to this regulation have therefore been meeting its requirements for a number of years. The proposed changes to the regulation are minor, primarily intended for clarity and consistency with federal requirements, and do not affect any emission standards, work practices, or actual source requirements. Little, if any cost, is associated with these changes. There may be a slight cost savings to sources as a result of better regulatory understanding and related improvements in general efficiencies.

Costs to Localities. The projected cost of the regulation on localities is not expected to be beyond that of other affected entities and is addressed in the preceding paragraph.

Costs to Agency. The regulation on which this action is based has been effective since 1999. The sources subject to this regulation have therefore been meeting its requirements for a number of years. The proposed changes to the regulation are minor, primarily intended for clarity and consistency with federal requirements, and do not affect any emission

standards, work practices, or actual source requirements. Little, if any, cost is associated with these changes. There may be a slight cost savings to the department as a result of better regulatory understanding and related improvements in general efficiencies. It is not expected that the regulation will result in any cost to the department beyond that currently in the budget. The sources of department funds to carry out this regulation are the general fund, the federal trust (grant money provided by the U.S. Environmental Protection Agency under § 105 of the federal Clean Air Act) and permit fees charged to affected entities under the permit program. The activities are budgeted under the following program (code)/subprogram (code): Environmental and Resource Management (5120000)/Air Quality Stationary Source Permitting (5122000) and Air Quality Stationary Source Compliance Inspections (5122100). The costs are expected to be ongoing.

**Benefits.** The regulation on which this action is based has been effective since 1999. The sources subject to this regulation have therefore been meeting its requirements for a number of years. The proposed changes to the regulation are minor, primarily intended for clarity and consistency with federal requirements, and do not affect any emission standards, work practices, or actual source requirements. Little, if any cost, is associated with these changes. There may be a slight cost savings to the department as a result of better regulatory understanding and related improvements in general efficiencies.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 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.** The General Assembly mandates in § 10.1-1308 of the Code of Virginia that the State Air Pollution Control Board promulgate regulations abating, controlling, and prohibiting air pollution throughout or in any part of the Commonwealth in order to protect public health and welfare.

The proposed regulation deals with the control and abatement of air pollution at municipal solid waste landfills (MSWLs) that commenced construction, reconstruction, or modification before May 30, 1991. Based on their design capacity and emission rate, these MSWLs are required to limit emissions of methane and nonmethane organic compounds (NMOCs) to a level considered adequate to protect public health and welfare. The regulation establishes emission standards as well as operation, compliance, monitoring, reporting, and other requirements considered necessary to meet these standards.

Most of the changes being proposed are to meet the requirements of § 111 (d) of the Federal Clean Air Act. The Act requires that states submit plans to the Environmental Protection Agency (EPA) establishing standards of performance for existing sources for any air pollutant for which air quality criteria have not been issued and for which standards of performance under this section would apply if the existing source was a new source. The plans are also required to provide for the implementation and enforcement of these standards of performance. In the absence of a state plan deemed adequate by EPA, a federal plan will be prescribed for the state in question. The proposed changes are being made in order to obtain approval of the state plan by incorporating EPA-suggested changes and addressing deficiencies identified by EPA.

The regulation also adds clarifying language recommended by EPA, modifies some definitions to make them more consistent with federal regulations, and makes minor corrections to the existing regulation.

**Estimated economic impact.**

**Background:** § 111 (d) of the Federal Clean Air Act requires that EPA establish procedures under which states submit plans to control designated pollutants from designated sources. Designated pollutants are pollutants for which air quality criteria have not been issued under National Ambient Air Quality Standards (NAAQS) or standards established for hazardous air pollutants, but for which standards of performance for new sources have been established. Designated facilities are existing facilities that emit a designated pollutant and would have been subject to the standards of performance for that pollutant had the facility been new. EPA has promulgated federal regulations establishing procedures and requirements for the submittal and adoption of state plans for control of designated pollutants from designated sources.

Setting standards for MSWL emissions from new sources under § 111 (b) of the Federal Clean Air Act and 9 VAC 5-50 established MSWL emissions as a designated pollutant and existing MSWLs as designated facilities. Under federal regulations, following classification of a pollutant as a designated pollutant, EPA is required to publish guideline documents containing information pertinent to the control of that pollutant from designated facilities. The guideline document has to include information about acceptable emissions reduction systems, emission guidelines reflecting the application of the best system of emission reduction (in terms of effectiveness and cost) for different types of designated facilities, and the time within which compliance with emission standards can be achieved at each type of facility. In response to this requirement, EPA published the final version of the guideline document regarding the control of MSWL emissions (methane and NMOC emissions) from existing MSWLs in 1996.

Following the publication of the guideline document for the pollutant in question (MSWL emissions in this instance), states are required to develop plans for the control of that pollutant from designated facilities and submit the plan to EPA for approval. The plans submitted by a state should provide for the implementation and enforcement of the necessary

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## Proposed Regulations

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standards of performance. If a state fails to submit a satisfactory plan or enforce the provisions of an approved plan in a satisfactory manner, EPA has the authority to prescribe a federal plan for that state. On January 7, 1999, the State Air Pollution Control Board approved a final regulation to control emissions from existing MSWLs. The plan was submitted to the EPA for approval on August 11, 2000. On February 7, 2001, EPA notified Virginia that the plan could not be approved in its current form due to a number of deficiencies.

Most of the proposed changes to the regulation are being made in order to incorporate EPA-suggested changes and address deficiencies identified by EPA.

**Description of Regulation:** The proposed regulation has been in effect since June 30, 1999, and applies to all MSWLs in Virginia that began construction, reconstruction, or modification prior to May 30, 1991. MSWLs that began construction, reconstruction, or modification after May 30, 1991, are classified as new sources and regulated under § 111 (b) of the Federal Clean Air Act and 9 VAC 5-50, which establish new source performance standards.

Existing MSWLs (i.e., municipal landfills that have not undertaken any new construction activity since May 30, 1991) are required to comply with the requirements of this regulation if they meet certain design capacity criteria. MSWLs with design capacity greater than or equal to 2.5 million megagrams and/or 2.5 million cubic meters are required to test and report their NMOC emission rate annually. If the NMOC emission rate is greater than or equal to 50 megagrams per year, the MSWL is required to submit a plan for a system to collect and control the gases generated within the landfill (primary components of MSWL emissions are methane and NMOCs). On approval of the plan by the State Air Pollution Control Board, the MSWL is required to install the collection and control system.

More stringent design capacity and emission rate criteria are applied to MSWLs located in the Northern Virginia Volatile Organic Compounds (VOC) Control Area (Arlington County, Alexandria City, Fairfax County, Fairfax City, Falls Church City, Loudoun County, Manassas City, Manassas Park City, Prince William County, and Stafford County). The Northern Virginia VOC Control Area has been designated a serious ozone nonattainment area. Areas that do not meet NAAQS are designated as nonattainment areas and must submit air quality plans, known as state implementation plans, showing how they plan to attain the standards. If they do not meet this requirement, these areas face sanctions and other penalties under the Federal Clean Air Act. The tighter standards are intended to meet VOC emission reduction requirements that are part of the state implementation plan to help control ozone concentration and reduce it to levels that comply with NAAQS (VOCs are emitted as part of NMOC emissions from MSWLs). Landfills that have design capacity greater than or equal to 1.0 million megagrams and/or 1.0 million cubic meters are required to test and report their NMOC emission rate annually. If the NMOC emission rate exceeds 23 megagrams per year, the MSWL is required to submit plans for a collection and control system for methane and NMOC emissions. Following the State Air Pollution Control Board's approval of the plan,

the MSWL is required to install the collection and control system.

For all MSWLs meeting or exceeding the design capacity and emission rate criteria, the regulation establishes operational standards and specifications that determine how these landfills operate their collection and control system such that emissions (of methane and NMOCs) meet certain minimum standards and the facilities are operated safely. The regulation provides test methods and procedures for MSWLs to follow when calculating their NMOC emissions rate. The regulation also specifies the compliance, monitoring, reporting, and recordkeeping requirements to be met by these MSWLs.

**Proposed Changes:** The proposed changes to the regulation are largely to meet the requirements of § 111 (d) of the Federal Clean Air Act and retain regulatory control over the implementation of performance standards for existing MSWLs. EPA approval of the regulation will allow Virginia to regulate emissions from existing MSWLs without EPA oversight. If EPA were to disapprove the plan, a federal plan would be prescribed for Virginia.

Since the approval of the regulation by the State Air Pollution Control Board in January 1999, EPA has made amendments to the guideline document and the new source performance standards. For example, on February 24, 1999, EPA added explanatory language to the definition of certain terms and clarified when a landfill that exceeded the design capacity criteria would be subject to this regulation and when it would be subject to the new source performance standards. On April 10, 2000, EPA added clarifying language for terms used in the formula to calculate NMOC emissions and made a change to the temperature monitoring requirements for boilers and heaters used in gas collection systems. The proposed changes to the existing regulation incorporate these amendments. The changes include other recommendations by EPA, such as changes to the definition of certain terms and the addition of clarifying language. The proposed changes also modify certain definitions to make them consistent with federal regulations and correct minor errors in the existing regulation.

The net economic impact of the changes being proposed is not likely to be significant. This regulation has been in effect since June 30, 1999, and most of the affected landfills are already complying or are in the process of complying with its requirements. According to DEQ, the proposed changes are primarily for the purpose of clarity and consistency with federal requirements and do not affect emission standards, work practices, and actual source requirements. Thus, the proposed changes are not expected to impose significant additional costs on existing MSWLs. To the extent that the clarifications and corrections improve the understanding and implementation of the regulation, they are likely to have a small positive economic impact.

**Businesses and entities affected.** The proposed regulation affects all MSWLs in Virginia that commenced construction, reconstruction, or modification before May 30, 1991. According to the most up-to-date information available, there are approximately 95 MSWLs, including four in the Northern Virginia VOC Control Area, that are likely to be affected by this

regulation. However, the net economic impact of the proposed changes on these landfills is not expected to be significant.

Localities particularly affected. The proposed regulation will affect all localities in the Commonwealth where MSWLs that commenced construction, reconstruction, or modification before May 30, 1991, are located.

Projected impact on employment. The proposed regulation is not expected to have a significant impact on employment.

Effects on the use and value of private property. The proposed regulation is not likely to have a significant impact on the use and value of private property. The changes to the existing regulation being proposed are minor and intended to provide clarification on certain aspects of the regulation and increase consistency with federal requirements. They are not expected to impose significant additional compliance costs on existing MSWLs.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

Summary:

*Facilities to which the rule applies are municipal solid waste landfills that commenced construction, reconstruction, or modification before May 30, 1991. In the Northern Virginia VOC Control Area, the design capacity applicability criteria is 1.0 million megagrams (Mg) or more; the emission rate applicability criteria is emissions of nonmethane organic compounds (NMOCs) greater than or equal to 23 Mg per year. In the remainder of the Commonwealth, the design capacity applicability criteria and the emissions rate applicability criteria are 2.5 million Mg in capacity and 50 Mg per year or more in emissions, respectively.*

*Landfills with a design capacity equal to or greater than the design capacity applicability criteria must determine their NMOC emissions. If the NMOC emission rate is less than the emission rate applicability criteria, the landfill must submit an emission report and recalculate the NMOC emission rate until it is equal to or greater than the emission rate applicability criteria or the landfill is closed. If the calculated NMOC emission rate is equal to or greater than the emission rate applicability criteria, a collection and control system design plan must be submitted, followed by the installation of a collection and control system.*

*Active collection systems must be designed to handle the maximum expected gas flow rate at a sufficient extraction rate and be designed to minimize off-site gas migration. Passive collection systems must be installed with liners, then either destroy the collected gas or treat it for sale or use. Operational standards direct how landfills must operate collection systems in order to minimize emissions and operate safely. Test methods and procedures are provided in order for sources to calculate the NMOC emission rate. Once the NMOC emission rate is established, the landfill is classified as Tier 1, 2, or 3, depending on whether the NMOC emission rate is less or greater than the emission rate applicability criteria; if the NMOC concentration is determined using a specific sampling procedure; or if the*

*NMOC mass emission rate is determined using specific equations.*

*Compliance is determined through specific methods. Monitoring of operations is achieved through the installation of various sampling ports and devices. Reporting and recordkeeping requirements are delineated. Finally, installation of emission collection and control equipment capable of meeting the standards must be accomplished by 30 months after the rule's effective date.*

*The proposed amendments to the regulation are being made to make the regulation consistent with changes made to 40 CFR Part 60 Subparts Cc and WWW, in order to meet the requirements of § 111(d) of the Clean Air Act.*

**9 VAC 5-40-5800. Applicability and designation of affected facility.**

A. The affected facility to which the provisions of this article apply is each municipal solid waste (MSW) landfill which commenced construction, reconstruction, or modification before May 30, 1991.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. For purposes of obtaining a federal operating permit, the owner of an MSW landfill subject to this article with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirement to obtain a federal operating permit for the landfill, unless the landfill is otherwise subject to federal operating permit requirements. For purposes of submitting a timely application for a federal operating permit, the owner of an MSW landfill subject to this article with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters on the effective date of EPA approval of the board's program under § 111(d) of the federal Clean Air Act, and otherwise not subject to federal operating permit requirements, becomes subject to federal operating permit requirements 90 days after the effective date of such § 111(d) program approval, even if the design capacity report is submitted earlier.

D. When an MSW landfill subject to this article becomes closed, the owner is no longer subject to the requirement to maintain a federal operating permit for the landfill if the landfill is not otherwise subject to federal operating permit requirements and if either of the following conditions is met:

1. The landfill was never subject to the requirement for a control system under 9 VAC 5-40-5820 C 2; or
2. The owner meets the conditions for control system removal specified in 9 VAC 5-40-5820 C 2 e.

E. Activities required by or conducted pursuant to a CERCLA, RCRA, or board remedial action are not considered construction, reconstruction, or modification for the purposes of this article.

**9 VAC 5-40-5810. Definitions.**

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and subsequent amendments or any orders issued by the board

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*related uses*, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined here shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-40 ~~et seq.~~), unless otherwise required by context.

C. Terms defined.

"*Active collection system*" means a gas collection system that uses gas mover equipment.

"*Active landfill*" means a landfill in which solid waste is being placed or a landfill that is planned to accept waste in the future.

"*CERCLA*" means the federal Comprehensive Environmental Response, Compensation and Liability Act (42 USC § 9601 et seq.).

"*Closed landfill*" means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first ~~obtaining a permit or permit amendment under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations) filing a notification of modification, as prescribed under 40 CFR 60.7(a)(4), with the board. Once such permit a notification of modification has been issued filed,~~ and additional solid waste is placed in the landfill, the landfill is no longer closed.

"*Closure*" means that point in time when a landfill becomes a closed landfill.

"*Commenced*" means that an owner has undertaken a continuous program of construction or modification or that an owner has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"*Commercial waste*" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding construction, household, and industrial wastes.

"*Construction*" means fabrication, erection, or installation of an affected facility.

"*Controlled landfill*" means any landfill at which collection and control systems are required under this article as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled at the time a collection and control system design plan is submitted in compliance with 9 VAC 5-40-5820 C 2 a.

"*Design capacity*" means the maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued *by the department* under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations), plus any in-place waste not accounted for in the most recent permit, or as calculated using good engineering practices acceptable to the board. If the owner chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate that its design capacity is less than ~~the design capacity applicability criteria in 9 VAC 5-40-5820 A (i) 1.0 million megagrams or 1.0 million cubic meters in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 2.5 million megagrams or 2.5~~

*million cubic meters in the remaining areas of the Commonwealth*, the calculation must include a site-specific density, which must be recalculated annually.

"*Disposal facility*" means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.

"*Emission rate cutoff*" means the threshold annual emission rate to which a landfill compares its estimated emission rate to determine if control under the regulation is required.

"*Enclosed combustor*" means an enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

"*Federal operating permit*" means a permit issued under Article 1 (9 VAC 5-80-50 et seq.) ~~or Article 3 (9 VAC 5-80-360 et seq.)~~ of Part II of 9 VAC 5 Chapter 80.

"*Flare*" means an open combustor without enclosure or shroud.

"*Gas management system*" means a method for the collection and destruction or use of landfill gases.

"*Gas mover equipment*" means the equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

"*Household waste*" mean any solid waste, including garbage, trash and refuse, derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreational areas). For the ~~purpose purposes~~ of determining *capacity as required by 9 VAC 5-40-5820 and NMOC emission rates as required by 9 VAC 5-40-5860, household wastes include waste includes* sanitary waste (septage) in septic tanks.

"*Industrial solid waste*" means any solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under *Subtitle C or RCRA (40 CFR Parts 264 and 265), and 9 VAC 20 Chapter 60 (9 VAC 20-60-12 et seq., Virginia Hazardous Waste Management Regulations)*. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing and foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"*Interior well*" means any well or similar collection component located inside the perimeter of the landfill waste. A perimeter well located outside the landfilled waste is not an interior well.

"*Landfill*" means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under ~~Part I (9 VAC~~

20-80-10 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).

"Landfill gas" means any gas derived from the decomposition of organic waste deposited in an MSW landfill or from the evolution of volatile organic species in the waste. Emissions from MSW landfills is equivalent to landfill gas emissions.

"Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

"Modification" means an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. *Modification does not occur until the owner commences construction on the horizontal or vertical expansion.*

"Municipal solid waste landfill" or "MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of solid wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and nonhazardous industrial solid waste as provided in 9 VAC 20-80-250 (Solid Waste Management Regulations). Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

"Municipal solid waste landfill emissions" or "MSW landfill emissions" means gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

"NMOC" means nonmethane organic compounds, as measured according to the provisions of 9 VAC 5-40-5860 B through E.

"Nondegradable waste" means any waste that does not decompose through chemical breakdown or microbiological activity. Examples include, but are not limited to, concrete, municipal waste combustor ash, and metals.

"Passive collection system" means a gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

~~"Offsite gas migration" means underground landfill gases detected at any point on the landfill perimeter.~~

"RCRA" means the federal Resource Conservation and Recovery Act (42 USC § 6901 et seq.).

"Refuse" means trash, rubbish, garbage, and other forms of solid or liquid waste, including, but not limited to, wastes resulting from residential, agricultural, commercial, industrial, institutional, trade, construction, land clearing, forest management, and emergency operations.

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Solid waste" means any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 USC § 1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 USC § 2011 et seq.). For more detail, see Part III (9 VAC 20-80-130 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).

"Sufficient density" means any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance set forth in this part.

"Sufficient extraction rate" means a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

## 9 VAC 5-40-5820. Standard for air emissions.

A. This section shall apply to affected facilities that have accepted waste any time since November 8, 1987, or have additional design capacity available for future waste deposition, and meet the design capacity and emission rate applicability criteria in subdivisions A 1 or A 2 of this section.

1. For affected facilities located in the Northern Virginia Volatile Organic Compound Emissions Control Area as designated in 9 VAC 5-20-206:

- a. A design capacity greater than or equal to 1.0 million megagrams ~~or~~ and 1.0 million cubic meters; and
- b. A nonmethane organic compound emission rate of 23 megagrams per year or more as determined using test procedures under 9 VAC 5-40-5860.

2. For affected facilities located in the remaining areas of the Commonwealth:

- a. A design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters; and
- b. A nonmethane organic compound emission rate of 50 megagrams per year or more as determined using test procedures under 9 VAC 5-40-5860.

B. Each owner of an MSW landfill having a design capacity less than ~~the design capacity applicability criteria in subsection A of this section~~ (i) 1.0 million megagrams or 1.0 million cubic meters in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 2.5 million megagrams or 2.5 million cubic meters in the remaining areas of the Commonwealth shall submit an initial design capacity report to the board as provided in 9 VAC 5-40-5880 C *no later than June 30, 1999*. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the

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design capacity applicability criteria in subsection A of this section. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of this article except as provided for in subdivisions B 1 and B 2 of this section.

1. The owner shall submit to the board an amended design capacity report, as provided for in 9 VAC 5-40-5880 C 3. *If the design capacity increase is the result of a modification, as defined in 9 VAC 5-40-5810 C, that was commenced on or after May 30, 1991, the landfill is subject to the new source performance standard in Article 5 of 9 VAC 5 Chapter 50 (9 VAC 5-50-410) instead of this article. If the design capacity increase is the result of a change in operating practices, density, or some other change that is not a modification, the landfill remains subject to this article.*

2. When an increase in the maximum design capacity of a landfill exempted from the provisions of 9 VAC 5-40-5820 C, 9 VAC 5-40-5822, 9 VAC 5-40-5824, 9 VAC 5-40-5850, 9 VAC 5-40-5860, 9 VAC 5-40-5870, 9 VAC 5-40-5880, and 9 VAC 5-40-5890 on the basis of the design capacity applicability criteria in subsection A of this section results in a revised maximum design capacity ~~that meets the design capacity applicability criteria in subsection A of this section~~ equal to or greater than (i) 1.0 million megagrams or 1.0 million cubic meters in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 2.5 million megagrams or 2.5 million cubic meters in the remaining areas of the Commonwealth, the owner shall comply with the provisions of subsection C of this section.

C. Each owner of an MSW landfill having a design capacity ~~that meets both of the design capacity applicability criteria (the megagram and cubic meter criteria) in subdivision A 1 a or A 2 a of this section~~ greater than or equal to (i) 1.0 million megagrams and 1.0 million cubic meters in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 2.5 million megagrams and 2.5 million cubic meters in the remaining areas of the Commonwealth shall either ~~comply with~~ install a collection and control system as provided in subdivision C 2 of this section or calculate an initial NMOC emission rate for the landfill using the procedures specified in 9 VAC 5-40-5860. The NMOC emission rate shall be recalculated annually, except as provided in 9 VAC 5-40-5880 D 1 b. ~~The owner of an MSW landfill subject to this article with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to federal operating permit requirements.~~

1. If the calculated NMOC emission rate is less than ~~the emission rate applicability criteria in subsection A of this section~~ (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, the owner shall:

- a. Submit an annual emission report to the board, except as provided for in 9 VAC 5-40-5880 D 1 b; and
- b. Recalculate the NMOC emission rate annually using the procedures specified in 9 VAC 5-40-5860 B 1 until such time as the calculated NMOC emission rate is

greater than or equal to ~~the emission rate applicability criteria in subsection A of this section~~ (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, or the landfill is closed.

(1) If the NMOC emission rate, upon *initial calculation or annual recalculation* required in subdivision C 1 b of this section, ~~meets the emission rate applicability criteria in subsection A of this section~~ is greater than or equal to (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, the owner shall install a collection and control system in compliance with subdivision C 2 of this section.

(2) If the landfill is permanently closed, a closure notification shall be submitted to the board as provided for in 9 VAC 5-40-5880 F.

2. If the calculated NMOC emission rate is greater than or equal to ~~the emission rate applicability criteria in subsection A of this section~~ (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, the owner shall:

a. Submit a collection and control system design plan prepared by a professional engineer to the board within one year:

(1) The collection and control system as described in the plan shall meet the design requirements of subdivision C 2 b of this section.

(2) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 9 VAC 5-40-5822, 9 VAC 5-40-5850, 9 VAC 5-40-5860, 9 VAC 5-40-5870, 9 VAC 5-40-5880, and 9 VAC 5-40-5890 proposed by the owner.

(3) The collection and control system design plan shall either conform with specifications for active collection systems in 9 VAC 5-40-5824 or include a demonstration to the board's satisfaction of the sufficiency of the alternative provisions to 9 VAC 5-40-5824.

(4) The board ~~shall~~ will review the information submitted under subdivisions C 2 a (1), (2) and (3) of this section and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems. *All design plan changes shall be submitted to the board and may be implemented only upon approval of the board.*

b. Install a collection and control system that captures the gas generated within the landfill as required by subdivision C 2 b (1) or (2) of this section within 30 months after the first annual report in which the emission rate equals or exceeds (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than (a) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (b) 50 megagrams per year in the remaining areas of the Commonwealth, as specified in 9 VAC 5-40-5880 E 1 or E 2.

(1) An active collection system shall:

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of:

(i) Five years or more if active; or

(ii) Two years or more if closed or at final grade;

(c) Collect gas at a sufficient extraction rate;

(d) Be designed to minimize off-site migration of subsurface gas.

(2) A passive collection system shall:

(a) Comply with the provisions specified in subdivisions C 2 b (1) (a), (b), and (d) of this section.

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 9 VAC 20-80-250 B.

c. Route all the collected gas to a control system that complies with the requirements in either subdivision C 2 c (1), (2) or (3) of this section.

(1) An open flare designed and operated in accordance with 40 CFR 60.18;

(2) A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3.0% oxygen. The reduction efficiency or parts per million by volume shall be established by an initial compliance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 9 VAC 5-40-5860 E.

(a) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(b) The control device shall be operated within the parameter ranges established during the initial or most recent compliance test. The operating parameters to be monitored are specified in 9 VAC 5-40-5870;

(3) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of subdivision C 2 c (1) or (2) of this section.

d. Operate the collection and control device installed to comply with this article in accordance with the provisions of 9 VAC 5-40-5822, 9 VAC 5-40-5850, and 9 VAC 5-40-5870.

e. The collection and control system may be capped or removed provided that all the conditions of subdivisions C 2 e (1), (2), and (3) of this section are met:

(1) The landfill shall be a closed landfill as defined in 9 VAC 5-40-5810 and under the requirements of 9 VAC 20-80-250 E. A closure report shall be submitted to the board as provided in 9 VAC 5-40-5880 F;

(2) The collection and control system shall have been in operation a minimum of 15 years; and

(3) Following the procedures specified in 9 VAC 5-40-5860 C, the calculated NMOC gas produced by the landfill shall be less than the emission rate applicability criteria in subsection A of this section (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth on three successive test dates. The test dates shall be no less than 90 days apart and no more than 180 days apart.

D. When an MSW landfill subject to this article is closed, the owner is no longer subject to the requirement to maintain a federal operating permit for the landfill if the landfill is not otherwise subject to federal operating permit requirements if either of the following conditions are met:

1. The landfill was never subject to the requirement for a control system under 9 VAC 5-40-5820 C 2; or

2. The owner meets the conditions for control system removal specified in 9 VAC 5-40-5820 C 2 e.

**9 VAC 5-40-5822. Operational standards for collection and control systems.**

A. Each owner of an MSW landfill with a gas collection and control system used to comply with the provisions of 9 VAC 5-40-5820 C 2 b shall comply with the following requirements:

A. 1. Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:

1- a. Five years or more if active; or

2- b. Two years or more if closed or at final grade;

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~~B.~~ 2. Operate the collection system with negative pressure at each wellhead except under the following conditions:

~~4.~~ a. A fire or increased well temperature. The owner shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 9 VAC 5-40-5880 H 1;

~~2.~~ b. Use of a geomembrane or synthetic cover. The owner shall develop acceptable pressure limits in the design plan; *and*

~~3.~~ c. A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the board;

~~C.~~ 3. Operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5.0%. The owner may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

~~4.~~ a. The nitrogen level shall be determined using Reference Method 3C in Appendix A of 40 CFR Part 60, unless an alternative method is established as allowed by 9 VAC 5-40-5820 C 2 a.

~~2.~~ b. Unless an alternative method is established as allowed by 9 VAC 5-40-5820 C 2 a, the oxygen shall be determined by an oxygen meter using Reference Method 3A in Appendix A of 40 CFR Part 60 except that:

~~a.~~ (1) The span shall be set so that the regulatory limit is between 20 and 50% of the span;

~~b.~~ (2) A data recorder is not required;

~~e.~~ (3) Only two calibration gases are required, a zero and span, and ambient air may be used as the span;

~~d.~~ (4) A calibration error check is not required; *and*

~~e.~~ (5) The allowable sample bias, zero drift, and calibration drift are  $\pm 10\%$ .

~~D.~~ 4. Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

~~E.~~ 5. Operate the system such that all collected gases are vented to a control system designed and operated in compliance with 9 VAC 5-40-5820 C 2 c. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour; ~~and~~.

~~F.~~ 6. Operate the control or treatment system at all times when the collected gas is routed to the system.

~~G.~~ B. If monitoring demonstrates that the operational requirement in ~~subsections B, C, or D~~ *subdivision A 2, 3 or 4* of this section are not met, corrective action shall be taken as specified in 9 VAC 5-40-5850 C 3 through 5 or 9 VAC 5-40-5850 E. If corrective actions are taken as specified in 9 VAC 5-40-5850, the monitored exceedance is not a violation of the operational requirements in this section.

## **9 VAC 5-40-5824. Specifications for active collection systems.**

A. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the board as provided in 9 VAC 5-40-5820 C 2 a (3) and (4):

1. The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.

2. The sufficient density of gas collection devices determined in subdivision A 1 of this section shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.

3. The placement of gas collection devices determined in subdivision A 1 of this section shall control all gas producing areas, except as provided by subdivisions A 3 a and A 3 b of this section.

a. Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 9 VAC 5-40-5890 F. The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the board upon request.

b. Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1.0% of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be

documented and provided to the board upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_0 M_i (e^{-k t_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where

$Q_i$  = NMOC emission rate from the  $i^{th}$  section, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of the degradable solid waste in the  $i^{th}$  section, megagram *megagrams*

$t_i$  = age of the solid waste in the  $i^{th}$  section, years

$C_{NMOC}$  = concentration of nonmethane organic compounds, parts per million by volume

$3.6 \times 10^{-9}$  = conversion factor

The values for  $k$  and  $C_{NMOC}$  determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (~~the~~ *this is* distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for  $k$ ,  $L_0$  and  $C_{NMOC}$  provided in 9 VAC 5-40-5860 B 1 or the alternative values from 9 VAC 5-40-5860 B 5 shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in subdivision A 3 a of this section.

B. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a (1) shall construct the gas collection devices using the following equipment or procedures:

1. The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous, corrosion-resistant material of suitable dimensions to: convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration.

2. Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped

wells and horizontal collectors shall be of sufficient cross section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

3. Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

C. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a (1) shall convey the landfill gas to a control system in compliance with 9 VAC 5-40-5820 C 2 c through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

1. For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in subdivision C 2 of this section shall be used.

2. For new collection systems, the maximum flow rate shall be in accordance with 9 VAC 5-40-5850 C 1.

**9 VAC 5-40-5850. Compliance.**

A. The provisions of 9 VAC 5-40-20 (Compliance) apply.

B. Owners subject to 9 VAC 5-40-5820 shall comply with the provisions of Part V (9 VAC 20-80-240 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations) pertaining to the control of landfill gases.

C. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the specified methods in subdivisions C 1 through C 6 of this section shall be used to determine whether the gas collection system is in compliance with 9 VAC 5-40-5820 C 2 b.

1. For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with 9 VAC 5-40-5820 C 2 b (1) (a), one of the following equations shall be used. The  $k$  and  $L$  sub0 kinetic factors should be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21) or other site-specific values demonstrated to be appropriate and approved by the board. If  $k$  has been determined as specified in 9 VAC 5-40-5860 B 4, the value of  $k$  determined from the test shall be used. A value of no more than 15 years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

a. For sites with unknown year-to-year solid waste acceptance rate:

$$Q_M = 2L_0R(e^{-k_c} - e^{-k_t})$$

where

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$Q_M$  = maximum expected gas generation flow rate, cubic meters per year

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$R$  = average annual acceptance rate, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$t$  = age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure,  $t$  is the age of the landfill at installation, years

$c$  = time since closure, years (for an active landfill  $c = 0$  and  $e^{-kc} = 1$ )

b. For sites with known year-to-year solid waste acceptance rate:

$$Q_M = \sum_{i=1}^n 2k L_0 M_i (e^{-kt_i})$$

where

$Q_M$  = maximum expected gas generation flow rate, cubic meters per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of solid waste in the  $i^{\text{th}}$  section, megagrams

$t_i$  = age of the  $i^{\text{th}}$  section, years

c. If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the equations in subdivisions C 1 a and b of this section. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equations in subdivisions C 1 a or b of this section or other methods acceptable to the board shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment.

2. For the purposes of determining sufficient density of gas collectors for compliance with 9 VAC 5-40-5820 C 2 b (1) (b), the owner shall design a system of vertical wells, horizontal collectors, or other collection devices, acceptable to the board, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.

3. For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with 9 VAC 5-40-5820 C 2 b (1) (c), the owner shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance

within five calendar days, except for the three conditions allowed under 9 VAC 5-40-5822 B A 2. If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the board for approval.

4. Owners are not required to expand the system as required in subdivision C 3 of this section during the first 180 days after gas collection system startup.

5. For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner shall monitor each well monthly for temperature and nitrogen or oxygen as provided in 9 VAC 5-40-5822 C A 3. If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within five calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the board for approval.

6. An owner seeking to demonstrate compliance with 9 VAC 5-40-5820 C 2 b (1) (d) through the use of a collection system not conforming to the specifications provided in 9 VAC 5-40-5824 shall provide information acceptable to the board as specified in 9 VAC 5-40-5820 C 2 a (3) demonstrating that off-site migration is being controlled.

D. For purposes of compliance with 9 VAC 5-40-5822 A 1, each owner of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in 9 VAC 5-40-5820 C 2 a. Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

1. Five years or more if active; or
2. Two years or more if closed or at final grade.

E. The following procedures shall be used for compliance with the surface methane operational standard as provided in 9 VAC 5-40-5822 D A 4.

1. After installation of the collection system, the owner shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in subsection F of this section.

2. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.

3. Surface emission monitoring shall be performed in accordance with § 4.3.1 of Reference Method 21 of Appendix A of 40 CFR Part 60, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.

4. Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in subdivisions E 4 a through e of this section shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of 9 VAC 5-40-5822 ~~D~~ A 4.

a. The location of each monitored exceedance shall be marked and the location recorded.

b. Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be remonitored within 10 calendar days of detecting the exceedance.

c. If the remonitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the remonitoring shows a third exceedance for the same location, the action specified in subdivision E 4 e of this section shall be taken, and no further monitoring of that location is required until the action specified in subdivision E 4 e of this section has been taken.

d. Any location that initially showed an exceedance but has a methane concentration less than 500 parts per million methane above background at the 10-day remonitoring specified in subdivision E 4 b or c of this section shall be remonitored one month from the initial exceedance. If the one-month remonitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month remonitoring shows an exceedance, the actions specified in subdivision E 4 c or e of this section shall be taken.

e. For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the board for approval.

5. The owner shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

F. Each owner seeking to comply with the provisions in subsection E of this section shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

1. The portable analyzer shall meet the instrument specifications provided in § 3 of Reference Method 21 of Appendix A of 40 CFR Part 60, except that "methane" shall replace all references to VOC.

2. The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.

3. To meet the performance evaluation requirements in § 3.1.3 of Reference Method 21 of Appendix A of 40 CFR Part 60, the instrument evaluation procedures of § 4.4 of Reference Method 21 of Appendix A of 40 CFR Part 60 shall be used.

4. The calibration procedures provided in § 4.2 of Reference Method 21 of Appendix A of 40 CFR Part 60 shall be followed immediately before commencing a surface monitoring survey.

G. The provisions of this article apply at all times, except during periods of startup, shutdown, or malfunction, provided that the duration of startup, shutdown, or malfunction shall not exceed five days for collection systems and shall not exceed one hour for treatment or control devices. *This subsection shall not apply to the emission standards set forth in 9 VAC 5-40-5830 and 9 VAC 5-40-5840.*

*H. With regard to startup, shutdown, and malfunction, the provisions of 9 VAC 5-40-5850 A and 9 VAC 5-40-5910 shall apply to the emission standards set forth in 9 VAC 5-40-5830 and 9 VAC 5-40-5840.*

## **9 VAC 5-40-5855. Compliance schedule.**

A. Except as provided for under subsection B of this section, the owner of a municipal solid waste landfill subject to this article *located outside the Northern Virginia Volatile Organic Compound Emissions Control Area and with a design capacity greater than or equal to the design capacity applicability criteria in 9 VAC 5-40-5820 A-2 2.5 million megagrams and 2.5 million cubic meters* shall plan, award contracts, and install emission collection and control equipment capable of meeting the standards established under 9 VAC 5-40-5820 within specific periods after the date the initial NMOC emission rate report *under 9 VAC 5-40-5880 D 1 a* shows NMOC emissions equal or exceed 50 megagrams per year, as follows:

1. The collection and control design plan shall be submitted to the board within 12 months.

2. Construction contracts shall be awarded within 18 months.

3. Construction shall be initiated within 20 months.

4. Construction shall be completed within 28 months.

5. Final compliance shall be achieved within 30 months after the date the initial annual emission rate report shows NMOC emissions greater than or equal to 50 megagrams per year.

B. For each MSW landfill ~~meeting the conditions in 9 VAC 5-40-5820 A-2 whose~~ *located outside of the Northern Virginia Volatile Organic Compound Emissions Control Area with a design capacity of 2.5 million megagrams and 2.5 million cubic meters and with an NMOC rate is* less than 50 megagrams per

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year on April 1, 1999, installation of collection and control systems capable of meeting the standards established under 9 VAC 5-40-5820 shall be accomplished within 30 months of the date when the condition in 9 VAC 5-40-5820 C is met (i.e., the date of the first annual NMOC emission rate which equals or exceeds 50 megagrams per year), as follows:

1. The collection and control design plan shall be submitted to the board within 12 months.
2. Construction contracts shall be awarded within 18 months.
3. Construction shall be initiated within 20 months.
4. Construction shall be completed within 28 months.
5. Final compliance shall be achieved within 30 months after the date the initial annual emission rate report shows NMOC emissions greater than or equal to 50 megagrams per year.

C. Except as provided for under subsection D of this section, the owner of a municipal solid waste landfill subject to this article ~~with a design capacity greater than or equal to the design capacity applicability criteria in 9 VAC 5-40-5820 A 1 in the Northern Virginia Volatile Organic Compound Emissions Control Area, with a design capacity greater than or equal to 1.0 million megagrams and 1.0 million cubic meters~~ shall plan, award contracts, and install emission collection and control equipment capable of meeting the standards established under 9 VAC 5-40-5820 by December 30, 1999, provided the initial NMOC emission rate report shows NMOC emissions equal or exceed 23 megagrams per year.

D. For each MSW landfill ~~meeting the conditions in 9 VAC 5-40-5820 A 1 whose~~ in the Northern Virginia Volatile Organic Compound Emissions Control Area, with a design capacity greater than or equal to 1.0 million megagrams and 1.0 million cubic meters and with an NMOC rate is less than 23 megagrams per year on April 1, 1999, installation of collection and control systems capable of meeting the standards established under 9 VAC 5-40-5820 shall be accomplished within 30 months of the date when the condition in 9 VAC 5-40-5820 C is met (i.e., the date of the first annual NMOC emission rate which equals or exceeds 23 megagrams per year), as follows:

1. The collection and control design plan shall be submitted to the board within 12 months.
2. Construction contracts shall be awarded within 18 months.
3. Construction shall be initiated within 20 months.
4. Construction shall be completed within 28 months.
5. Final compliance shall be achieved within 30 months after the date the initial annual emission rate report shows NMOC emissions greater than or equal to 23 megagrams per year.

## 9 VAC 5-40-5860. Test methods and procedures.

A. The provisions of 9 VAC 5-40-30 (Emission testing) or 40 CFR 60.8, whichever is more restrictive, apply.

B. 1. The owner shall calculate the NMOC emission rate using either the equation provided in subdivision B 1 a of this section or the equation provided in subdivision B 1 b of this section. Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in subdivision B 1 a of this section, for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in subdivision B 1 b of this section, for part of the life of the landfill. The values to be used in both equations are 0.05 per year for  $k$ , 170 cubic meters per megagram for  $L_0$ , and 4,000 parts per million by volume as hexane for the  $C_{NMOC}$ . For landfills located in geographical areas with a 30-year average annual precipitation of less than 25 inches, as measured at the nearest representative official meteorological site, the  $k$  value to be used is 0.02 per year.

a. The following equation shall be used if the actual year-to-year solid waste acceptance rate is known.

$$M_{NMOC} = \sum_{i=1}^n 2kL_0M_i(e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9})$$

where

$M_{NMOC}$  = Total NMOC emission rate from the landfill, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of solid waste in the  $i^{\text{th}}$  section, megagrams

$t_i$  = age of the  $i^{\text{th}}$  section, years

$C_{NMOC}$  = concentration of NMOC, parts per million by volume as hexane

$3.6 \times 10^{-9}$  = conversion factor

The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for  $M_i$  if documentation of the nature and amounts of such wastes is obtained.

b. The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown.

$$M_{NMOC} = 2L_0 R(e^{-kc} - e^{-kt})(C_{NMOC})(3.6 \times 10^{-9})$$

where

$M_{NMOC}$  = mass emission rate of NMOC, megagrams per year

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$R$  = average annual acceptance rate, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$t$  = age of landfill, years

$C_{\text{NMOC}}$  = concentration of NMOC, parts per million by volume as hexane

$c$  = time since closure, years. For active landfill  $c = 0$  and  $e^{-kc} = 1$

$3.6 \times 10^{-9}$  = conversion factor

The mass of nondegradable solid waste may be subtracted from the ~~average annual acceptance rate~~ *total mass of solid waste in a particular section of the landfill* when calculating ~~a~~ the value for  $R$  if documentation of the nature and amounts of such waste is maintained.

2. Tier 1. The owner shall compare the calculated NMOC mass emission rate to the *following* emission rate applicability criteria ~~in 9 VAC 5-40-5820 A: (i) in the Northern Virginia Volatile Organic Compound Emissions Control Area, 23 megagrams per year or (ii) in the remaining areas of the Commonwealth, 50 megagrams per year.~~

a. If the NMOC emission rate calculated in subdivision B 1 of this section is ~~less than the emission rate applicability criteria in 9 VAC 5-40-5820 A (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth,~~ then the owner shall submit an emission rate report as provided in 9 VAC 5-40-5880 D 1, and shall recalculate the NMOC mass emission rate annually as required under 9 VAC 5-40-5820 C 1.

b. If the calculated NMOC emission rate ~~meets the emission rate applicability criteria in 9 VAC 5-40-5820 A is greater than or equal to (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth,~~ then the owner shall either comply with 9 VAC 5-40-5820 C 2, or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in subdivision B 3 of this section.

3. Tier 2. The owner shall determine the NMOC concentration using the following sampling procedure. The owner shall install at least two sample probes per hectare of landfill surface that has retained waste for at least two years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Reference Method 25C of Appendix A of 40 CFR Part 60 or Reference Method 18 of Appendix A of 40 CFR Part 60. If using Reference Method 18 of Appendix A of 40 CFR Part 60, the minimum list of compounds to be tested shall be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21). If composite sampling is used, equal volumes shall be taken from each sample probe. If more than the required number of samples are taken, all samples shall be used in the analysis. The owner shall divide the NMOC concentration from Reference Method 25C of Appendix A of 40 CFR Part 60 by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane.

a. The owner shall recalculate the NMOC mass emission rate using the equations provided in subdivision B 1 a or B 1 b of this section and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in subdivision B 1 of this section.

b. If the resulting mass emission rate calculated using the site-specific NMOC concentration ~~meets the emission rate applicability criteria in 9 VAC 5-40-5820 A is greater than or equal to (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth,~~ then the owner shall either comply with 9 VAC 5-40-5820 C 2, or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in subdivision B 4 of this section.

c. If the resulting NMOC mass emission rate is less than ~~the emission rate applicability criteria in 9 VAC 5-40-5820 A (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth,~~ the owner shall submit a periodic estimate of the emission rate report as provided in 9 VAC 5-40-5880 D 1 and retest the site-specific NMOC concentration every five years using the methods specified in this section.

4. Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Reference Method 2E of Appendix A of 40 CFR Part 60. The owner shall estimate the NMOC mass emission rate using equations in subdivision B 1 a or B 1 b of this section and using a site-specific methane generation rate constant  $k$ , and the site-specific NMOC concentration as determined in subdivision B 3 of this section instead of the default values provided in subdivision B 1 of this section. The owner shall compare the resulting NMOC mass emission rate to the *following* emission rate applicability criteria ~~in 9 VAC 5-40-5820 A: (i) in the Northern Virginia Volatile Organic Compound Emissions Control Area, 23 megagrams per year or (ii) in the remaining areas of the Commonwealth, 50 megagrams per year.~~

a. If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is greater than or equal to ~~the emission rate applicability criteria in 9 VAC 5-40-5820 A (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth,~~ the owner shall comply with 9 VAC 5-40-5820 C 2.

b. If the NMOC mass emission rate is less than ~~the emission rate applicability criteria in 9 VAC 5-40-5820 A (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth,~~ then the owner shall submit a periodic emission rate report as provided in 9 VAC 5-40-5880 D 1

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and shall recalculate the NMOC mass emission rate annually, as provided in 9 VAC 5-40-5880 D 1 using the equations in subdivision B 1 of this section and using the site-specific methane generation rate constant and NMOC concentration obtained in subdivision B 3 of this section. The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

5. The owner may use other methods to determine the NMOC concentration or a site-specific  $k$  as an alternative method required in subdivisions B 3 and B 4 of this section if the method has been approved by the board.

C. After the installation of a collection and control system in compliance with 9 VAC 5-40-5850, the owner shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in 9 VAC 5-40-5820 C 2 e, using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

where

$M_{\text{NMOC}}$  = mass emission rate of NMOC, megagrams per year

$Q_{\text{LFG}}$  = flow rate of landfill gas, cubic meters per minute

$C_{\text{NMOC}}$  = NMOC concentration, parts per million by volume as hexane

1. The flow rate of landfill gas,  $Q_{\text{LFG}}$ , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of § 4 of Reference Method 2E of Appendix A of 40 CFR Part 60.

2. The average NMOC concentration,  $C_{\text{NMOC}}$ , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Reference Method 25C or Reference Method 18 of Appendix A of 40 CFR Part 60. If using Reference Method 18 of Appendix A of 40 CFR Part 60, the minimum list of compounds to be tested shall be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The owner shall divide the NMOC concentration from Reference Method 25C of Appendix A of 40 CFR Part 60 by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane.

3. The owner may use an alternative method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the board.

D. When calculating emissions for prevention of significant deterioration purposes, the owner of each MSW landfill subject to the provisions of this article shall estimate the NMOC emission rate for comparison to the prevention of significant deterioration major source and significance levels in Article 8 (9 VAC 5-80-1700 et seq.) of Part II of 9 VAC 5

Chapter 80 using the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21) or other measurement procedures acceptable to the board. If a collection system, which complies with the provisions in 9 VAC 5-40-5820 C 2 is already installed, the owner shall estimate the NMOC emission rate using the procedures provided in subsection C of this section.

E. For the compliance test required in 9 VAC 5-40-5820 C 2 c (2), Reference Method 25 or Reference Method 18 of Appendix A of 40 CFR Part 60 shall be used to determine compliance with 98 weight-percent efficiency or the 20 ppmv outlet concentration level, unless an alternative method to demonstrate compliance has been approved by the board as provided by 9 VAC 5-40-5820 C 2 a (2). If using Reference Method 18 of Appendix A of 40 CFR Part 60, the minimum list of compounds to be tested shall be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21). The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}})$$

where

$\text{NMOC}_{\text{in}}$  = mass of NMOC entering control device

$\text{NMOC}_{\text{out}}$  = mass of NMOC exiting control device

## 9 VAC 5-40-5870. Monitoring.

A. The provisions of 9 VAC 5-40-40 (Monitoring) apply.

B. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the provisions of subsections C through H of this section apply.

C. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 b (1) for an active gas collection system shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

1. Measure the gauge pressure in the gas collection header on a monthly basis as provided in 9 VAC 5-40-5850 C 3; and

2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 9 VAC 5-40-5850 C 5; and

3. Monitor temperature of the landfill gas on a monthly basis as provided in 9 VAC 5-40-5850 C 5.

D. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 c using an enclosed combustor shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment.

1. A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of  $\pm 1.0$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5^\circ\text{C}$ , whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity *equal to or greater than* 44 megawatts.

2. A device that records flow to or bypass of the control device. The owner shall either:

a. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or

b. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

E. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 c using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

1. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.

2. A device that records flow to or bypass of the flare. The owner shall either:

a. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or

b. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

F. Each owner seeking to demonstrate compliance with 9 VAC 5-40-5820 C 2 c using a device other than an open flare or an enclosed combustor shall provide information acceptable to the board as provided in 9 VAC 5-40-5820 C 2 a (2) describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The board ~~shall~~ will review the information and either approve it, or request that additional information be submitted. The board may specify additional appropriate monitoring procedures.

G. Each owner seeking to install a collection system that does not meet the specifications in 9 VAC 5-40-5824 or seeking to monitor alternative parameters to those required by 9 VAC 5-40-5822, 9 VAC 5-40-5850, 9 VAC 5-40-5860, and 9 VAC 5-40-5870 shall provide information acceptable to the board as provided in 9 VAC 5-40-5820 C 2 a (2) and (3) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The board may specify additional appropriate monitoring procedures.

H. Each owner seeking to demonstrate compliance with 9 VAC 5-40-5850 E, shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in 9 VAC 5-40-5850 F. Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 parts per million or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

## 9 VAC 5-40-5880. Reporting.

A. The provisions of 9 VAC 5-40-5840 (Notification, records and reporting) apply.

B. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the provisions of subsections C through I of this section apply.

C. Each owner subject to the requirements of this article shall submit an initial design capacity report to the board.

1. The initial design capacity report shall be submitted no later than June 30, 1999.

2. The initial design capacity report shall contain the following information:

a. A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued *by the department* under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations);

b. The maximum design capacity of the landfill. Where the maximum design capacity is specified in a permit issued *by the department* under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations), a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices acceptable to the board. The calculations shall be provided, along with the relevant parameters as part of the report. The board may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

3. An amended design capacity report shall be submitted to the board providing notification of an increase in the design capacity of the landfill within 90 days of an increase in the maximum design capacity of the landfill to or above ~~the design capacity applicability criteria in 9 VAC 5-40-5820 A~~ (i) 1.0 million megagrams and 1.0 million cubic meters in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 2.5 million megagrams and 2.5 million cubic meters in the remaining areas of the Commonwealth. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in 9 VAC 5-40-5890 H.

D. Each owner subject to the requirements of this article shall submit an NMOC emission rate report to the board initially and annually thereafter, except as provided for in subdivisions D 1 b or D 3 of this section. The board may request such additional information as may be necessary to verify the reported NMOC emission rate.

1. The NMOC emission rate report shall contain an annual or five-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 9 VAC 5-40-5860 B or C, as applicable.

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a. The initial NMOC emission rate report shall be submitted by June 30, 1999, and may be combined with the initial design capacity report required in subsection C of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in subdivisions D 1 b and D 3 of this section.

b. If the estimated NMOC emission rate as reported in the annual report to the board is less than ~~the emission rate applicability criteria in 9 VAC 5-40-5820 A~~, (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth in each of the next five consecutive years, the owner may elect to submit an estimate of the NMOC emission rate for the next five-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the five years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the board. This estimate shall be revised at least once every five years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five-year estimate, a revised five-year estimate shall be submitted to the board. The revised estimate shall cover the five-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

2. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or five-year emissions.

3. Each owner subject to the requirements of this article is exempted from the requirements of subdivisions D 1 and 2 of this section, after the installation of a collection and control system in compliance with 9 VAC 5-40-5820 C 2, during such time as the collection and control system is in operation and in compliance with 9 VAC 5-40-5822 and 9 VAC 5-40-5850.

E. Each owner subject to the provisions of 9 VAC 5-40-5820 C 2 a shall submit a collection and control system design plan to the board within one year of the first report, required under subdivision D of this section, in which the emission rate ~~exceeds the emission rate applicability criteria in 9 VAC 5-40-5820 A~~ is greater than or equal to (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, except as follows:

1. If the owner elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in 9 VAC 5-40-5860 B 3 and the resulting rate is less than ~~the emission rate applicability criteria in 9 VAC 5-40-5820 A~~ (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is greater than or equal to ~~the emission rate applicability criteria in~~

~~9 VAC 5-40-5820 A~~ (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of the emission rate applicability criteria in ~~9 VAC 5-40-5820 A~~.

2. If the owner elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in 9 VAC 5-40-5860 B 4, and the resulting NMOC emission rate is less than ~~the emission rate applicability criteria in 9 VAC 5-40-5820 A~~ (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of 9 VAC 5-40-5860 B 4 and the resulting site-specific methane generation rate constant (k) shall be submitted to the board within one year of the first calculated emission rate exceeding ~~the emission rate applicability criteria in 9 VAC 5-40-5820 A~~ (i) 23 megagrams per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams per year in the remaining areas of the Commonwealth.

F. Each owner of a controlled landfill shall submit a closure report to the board within 30 days of waste acceptance cessation. The board may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of ~~40 CFR 258.60 9 VAC 20-80-250 E~~. If a closure report has been submitted to the board, no additional wastes may be placed into the landfill without obtaining a permit *issued by the department* under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).

G. Each owner of a controlled landfill shall submit an equipment removal report to the board 30 days prior to removal or cessation of operation of the control equipment.

1. The equipment removal report shall contain all of the following items:

a. A copy of the closure report submitted in accordance with subsection F of this section;

b. A copy of the initial compliance test report demonstrating that the 15-year minimum control period has expired; and

c. Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer ~~meeting the emission rate applicability criteria in 9 VAC 5-40-5820 A~~ producing (i) 23 megagrams or greater of NMOC per year in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 50 megagrams or greater of NMOC per year in the remaining areas of the Commonwealth.

2. The board may request such additional information as may be necessary to verify that all of the conditions for removal in 9 VAC 5-40-5820 C 2 e have been met.

H. Each owner of a landfill seeking to comply with 9 VAC 5-40-5820 C 2 using an active collection system designed in accordance with 9 VAC 5-40-5820 C 2 b shall submit to the board annual reports of the recorded information in subdivisions H 1 through H 6 of this section. The initial annual report shall be submitted within 180 days of installation and startup of the collection and control system, and shall include the initial compliance test report. For enclosed combustion devices and flares, reportable exceedances are defined under 9 VAC 5-40-5890 E.

1. Value and length of time for exceedance of applicable parameters monitored under 9 VAC 5-40-5870 C, D, E, and F.

2. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 9 VAC 5-40-5870.

3. Description and duration of all periods when the control device was not operating for a period exceeding one hour and length of time the control device was not operating.

4. All periods when the collection system was not operating in excess of five days.

5. The location of each exceedance of the 500 parts per million methane concentration as provided in 9 VAC 5-40-5822 D A 4 and the concentration recorded at each location for which an exceedance was recorded in the previous month.

6. The date of installation and the location of each well or collection system expansion added pursuant to subdivisions C 3, D, and E 4 of 9 VAC 5-40-5850.

I. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a shall include the following information with the initial compliance test report:

1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3. The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and

5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6. The provisions for the control of off-site migration.

## 9 VAC 5-40-5890. Recordkeeping.

A. The provisions of 9 VAC 5-40-50 (Notification, records and reporting) apply.

B. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the provisions of subsections C through G of this section apply.

C. Each owner of an MSW landfill subject to the provisions of 9 VAC 5-40-5820 C shall keep for at least five years up-to-date, readily accessible, on-site records of the design capacity report which triggered 9 VAC 5-40-5820 C, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

D. Each owner of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in subdivisions D 1 through D 4 of this section as measured during the initial compliance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until removal.

1. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 b:

a. The maximum expected gas generation flow rate as calculated in 9 VAC 5-40-5850 C 1. The owner may use an alternative method to determine the maximum gas generation flow rate, if the method has been approved by the board.

b. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 9 VAC 5-40-5824 A 1.

2. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 c through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity *equal to or* greater than 44 megawatts:

a. The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the compliance test.

b. The percent reduction of NMOC determined as specified in 9 VAC 5-40-5820 C 2 c (2) achieved by the control device.

3. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 c (2) (a) through use of a boiler or process heater of any size: a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the compliance testing.

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## Proposed Regulations

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4. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 c (1) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the compliance test as specified in 40 CFR 60.18; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.

E. Each owner of a controlled landfill subject to the provisions of this article shall keep for five years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 9 VAC 5-40-5870 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent compliance test are exceeded.

1. The following constitute exceedances that shall be recorded and reported under 9 VAC 5-40-5880 H:

a. For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal units per hour) or greater, all three-hour periods of operation during which the average combustion temperature was more than 28°C below the average combustion temperature during the most recent compliance test at which compliance with 9 VAC 5-40-5820 C 2 c was determined.

b. For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under subdivision D 3 a of this section.

2. Each owner subject to the provisions of this article shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 9 VAC 5-40-5870.

3. Each owner subject to the provisions of this article who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 9 VAC 5-40-5820 C 2 c shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state or federal regulatory requirements.)

4. Each owner seeking to comply with the provisions of this article by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under 9 VAC 5-40-5870 E, and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

F. Each owner subject to the provisions of this article shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

1. Each owner subject to the provisions of this article shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 9 VAC 5-40-5850 D.

2. Each owner subject to the provisions of this article shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 9 VAC 5-40-5824 A 3 a as well as any nonproductive areas excluded from collection as provided in 9 VAC 5-40-5824 A 3 b.

G. Each owner subject to the provisions of this article shall keep for at least five years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 9 VAC 5-40-5822, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

H. Landfill owners who convert design capacity from volume to mass or from mass to volume to demonstrate that the landfill design capacity is less than ~~the design capacity applicability criteria in 9 VAC 5-40-5820 A~~ (i) 1.0 million megagrams or 1.0 million cubic meters in the Northern Virginia Volatile Organic Compound Emissions Control Area or (ii) 2.5 million megagrams or 2.5 million cubic meters in the remaining areas of the Commonwealth, as provided in the definition of "design capacity," shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be obtained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

### **9 VAC 5-40-5910. Facility and control equipment maintenance or malfunction.**

The provisions of 9 VAC 5-20-180 (Facility and control equipment maintenance or malfunction) apply *except that the provisions of 9 VAC 5-20-180 E, F, and G shall apply only to the emission standards set forth in 9 VAC 5-40-5830 and 9 VAC 5-40-5840.*

### **9 VAC 5-40-5920. Permits.**

A. A permit may be required prior to beginning any of the activities specified below if the provisions of 9 VAC 5 Chapter 50 (9 VAC 5-50-10 ~~et seq.~~) and 9 VAC 5 Chapter 60 (9 VAC 5-60-10 ~~et seq.~~) apply. Owners contemplating such action should review those provisions and contact the appropriate regional office for guidance on whether those provisions apply.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (restart-up) of a facility.
6. Operation of a facility.

B. MSW landfills required to install a ~~gas management~~ *collection and control* system according to the provisions of 9 VAC 5-40-5820 shall apply for a permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).

C. Physical or operational changes made to an MSW landfill solely to comply with this article are not considered construction, reconstruction, or modification for the purposes of 40 CFR 60 Subpart WWW.

D. The owner of an MSW landfill subject to this article with a design capacity greater than or equal to 2.5 million megagrams ~~or~~ and 2.5 million cubic meters is subject to Article 1 (9 VAC 5-80-50 et seq.) of Part II of 9 VAC 5 Chapter 80. When a landfill is closed, and either never needed control or meets the conditions for control system removal specified in 9 VAC 5-40-5820 C 2 e, an operating permit under Article 1 (9 VAC 5-80-50 et seq.) of Part II of 9 VAC 5 Chapter 80 is no longer required.

E. A landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters does not require an operating permit under Article 1 (9 VAC 5-80-50 et seq.) of Part II of 9 VAC 5 Chapter 80.

VA.R. Doc. No. R02-294; Filed February 3, 2003, 3:13 p.m.

## STATE WATER CONTROL BOARD

**Title of Regulation:** 9 VAC 25-740. Regulation for Wastewater Reclamation and Reuse (adding 9 VAC 25-740-10 through 9 VAC 25-740-200).

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

**Public Hearing Date:** April 2, 2003 - 10 a.m.

Public comments may be submitted until April 25, 2003.  
(See Calendar of Events section for additional information)

**Agency Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or e-mail ychoi@deq.state.va.us.

**Basis:** The basis for this regulation is Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia. Specifically, § 62.1-44.2 establishes that one purpose of the State Water Control Law is to promote and encourage the reclamation and reuse of wastewater in a manner protective of the environment and public health. Further, § 62.1-44.15 (15) authorizes the board to promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into state waters.

**Purpose:** The purpose of the proposed action is to adopt the Regulation for Wastewater Reclamation and Reuse in order to satisfy the provisions of § 62.1-44.15 of the Code of Virginia as mandated by the 2000 Session of the General Assembly in House Bill 1282.

Although a regulatory framework for wastewater reclamation and reuse involving irrigation has been established through the Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32) or Virginia Pollutant Discharge Elimination

System (VPDES) Permit Regulation (9 VAC 25-31), these regulations do not prescribe any technical standards for this type of operation. The reuse of reclaimed water for other purposes (such as industrial cooling processes, fire protection, street washing, etc.) are not currently required to obtain a permit from the department.

Pursuant to the action of the 2000 Session of the General Assembly, the board must promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutant into state waters. The proposed regulation will establish technical standards that address various potential categories of reuse. Therefore, the proposed regulatory action would be essential to protect the health, safety and welfare of the citizens of Commonwealth. It would also be essential to protect the Commonwealth's environment and natural resources from pollution, impairment or destruction.

**Substance:** The proposed regulation will establish technical standards that address various potential categories of reuse and provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. Two sets of reclaimed water quality were proposed for the following reuse categories: irrigation for agricultural, forest and landscape uses, industrial processes (cooling, boiler feed, stack scrubbing and process water), and nonpotable urban use (street washing, vehicle washing and fire protection). Additionally, it provides a case-by-case approval for any unlisted reuse categories. This regulation also prescribes specific design, operation and maintenance standards for wastewater reclamation and reuse systems. These standards will be incorporated into the VPA or VPDES permit issued to the treatment works that produces the reclaimed water and a facility that reuses the reclaimed water.

**Issues:** The advantage of this proposal to the public and business entities is to encourage water reuse as a water resources conservation measure while protecting human health and the environment of Commonwealth. Specific technical standards will be established for irrigation for agricultural, forest and landscape uses, industrial processes (cooling, boiler feed, stack scrubbing and process water), and nonpotable urban use (street washing, vehicle washing and fire protection). In addition, it will provide a case-by-case approval for any unlisted reuse categories.

There is no potential disadvantage to the public or the Commonwealth resulting from the adoption of the proposed regulation.

**Locality Particularly Affected:** The proposed action is statewide in application and will not affect one locality more than another.

**Public Participation:** In addition to any other comments, the board is requesting comments from the public on:

1. The costs and benefits of the proposal.
2. Whether any provisions of the regulation discourage the reclamation and reuse of wastewater in the Commonwealth.

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## Proposed Regulations

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Anyone wishing to submit written comments for the public comment file may do so at the public hearing, by mail, fax, or email to Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, (804) 698-4054, Fax (804) 698-4032, [ychoi@deq.state.va.us](mailto:ychoi@deq.state.va.us). Written comments should be signed by the commenter and include the name and address of the commenter. In order to be considered, the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

**Fiscal Impact:** The department will implement and enforce the proposed regulation through the VPA or VPDES permit program with existing available resources. Although the number of projected facilities affected by this proposed regulation is unknown, it is anticipated that an increase in permit fees would accommodate some if not all costs to the department. As to the regulated community, it is anticipated that the savings incurred resulting from the use of reclaimed water instead of potable water would offset the permit and compliance costs to the affected facility.

**Department of Planning and Budget's Economic Impact Analysis:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 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. The General Assembly establishes a purpose of the State Water Control Law in § 62.1-44.2 of the Code of Virginia. Its purpose is to promote and encourage the reclamation and reuse of wastewater in a manner protective of the environment and public health. Moreover, the General Assembly authorizes in § 62.1-44.15:15 of the Code of Virginia that the State Water Control Board promote and establish requirements for the reclamation and reuse of wastewater as an alternative to directly discharging pollutants into state waters.

The proposed regulation establishes the treatment level necessary before reclaimed water can be used for various purposes and the technical standards under which reclamation and reuse facilities can be operated. All new and expanded wastewater reclamation and reuse systems may now be required to get a permit from the Department of Environmental Quality. In order to obtain a permit, reclamation and reuse systems have to meet reclaimed water quality requirements and design, operation, storage, and maintenance standards established by the regulation. The proposed regulation establishes the level of treatment of reclaimed wastewater required for various categories of use. For uses of reclaimed wastewater not among the categories listed in the regulation, the State Water Control Board is

allowed to conduct a case-by-case review and prescribe specific reclaimed wastewater quality requirements. The proposed regulation also requires that reclamation and reuse systems meet specific design, operation, storage, and maintenance standards that are considered necessary to protect public health and the environment.

Estimated economic impact.

**Current Policy:**

**Reclamation:** Under current policy, all facilities that produce reclaimed water (wastewater that has gone through various levels of treatment and disinfection) are required to get Virginia Pollution Abatement (VPA) permits or Virginia Pollution Discharge Elimination System (VPDES) permits. Facilities that do not discharge reclaimed water into surface water are required to get VPA permits and facilities that do discharge reclaimed water into surface water are required to get VPDES permits. While these permits allow for the production and disposal of reclaimed water, they do not prescribe any technical standards concerning the design, operation, storage, and maintenance of these operations.

Most facilities producing reclaimed water fall under two categories: industrial plants and municipal treatment works. While both are required to get either a VPA permit or a VPDES permit depending on whether they discharge reclaimed water into surface water or not, municipal treatment works also fall under the purview of Sewage Collection and Treatment (SCAT) Regulations. These regulations establish standards for the operation, construction, and modification of a sewerage system or treatment works (including land treatment systems).

**Reuse:** Under current policy, with the exception of some irrigation projects, all other facilities using reclaimed water are not required to get a permit. The use of reclaimed water for some types of irrigation (such as for pastures, nonfood crops, and silviculture) is classified as a land treatment system and has been regulated indirectly through the VPA and VPDES permits issued to the producers/suppliers of reclaimed water and SCAT regulations governing the operation of land treatment systems. Suppliers of the reclaimed water (usually municipal treatment works) are responsible for ensuring that the reclaimed water is applied in a way that does not violate the terms of their VPA or VPDES permits and the SCAT regulations.

All other uses of reclaimed water, such as for industrial cooling, fire protection, and street washing, are not directly covered under an existing regulation. For example, Giant Refinery is one of a few nonirrigation facilities in Virginia that uses reclaimed water. While the Hampton Roads Sanitation District, the supplier of the reclaimed water, requires a VPA or VPDES permit to produce reclaimed water, Giant Refinery does not require a permit to use reclaimed water. Under these circumstances, the proper and safe use of reclaimed water is ensured informally through the supplier's VPA or VPDES permit (the informal guidelines for the sale and use of reclaimed water are determined by the Department of Environment Quality (DEQ), the Virginia Department of Health (VDH), and the Department of Conservation and Recreation (DCR) on a case-by-case basis).

### *Proposed Regulation:*

The proposed regulation establishes conditions and sets standards for the reclamation and reuse of industrial wastewater and domestic sewage from residential dwellings, commercial buildings, and industrial and manufacturing facilities and institutions.

The proposed regulation could require that all new reuse facilities obtain a VPA or VPDES permit (cost of getting a VPA permit ranges from \$7,500 to \$10,500 and the cost of getting a VPDES permit ranges from \$4,200 to \$24,000). Reuse facilities will now include all irrigation projects that apply reclaimed water at a rate less than the supplemental irrigation rate (the rate at which undesirable plant water stress does not occur and the field capacity from any specific irrigation event is not exceeded). Irrigation projects that apply reclaimed water at rates in excess of supplemental irrigation rates will continue to be considered land treatment systems and will be covered under SCAT regulations and VPA or VPDES permits issued to the supplier. Use of reclaimed water for industrial processes such as cooling and boiler feed and for urban nonpotable uses such as street washing and fire protection will now be covered under the proposed regulation.

*Note:* An unintended consequence of the proposed regulation might be the overapplication of reclaimed water in farms and other facilities using this water for irrigation. The exemption of irrigation projects that apply reclaimed water at rates which exceed supplemental irrigation rates from the proposed regulation raises concerns that some farms might overapply reclaimed water so that they are exempt from the requirements of this regulation. However, according to the Virginia Department of Health, the SCAT regulations impose more restrictive requirements (such as mandatory ground water monitoring, large buffer zones, and strict access control to the sites) than is being proposed by this regulation. Thus, there is no incentive for the overapplication of reclaimed water at these facilities.

The proposed regulation requires that all new facilities using reclaimed water ensure that the water is treated to a certain level – secondary (basic disinfection) or tertiary (high level of disinfection) – depending on its intended use and the potential for public contact. For example, facilities using reclaimed water such that there is a high chance that the water might come into contact with the public, such as using reclaimed water for firefighting or to irrigate parks and golf courses, are required to use reclaimed water treated to the tertiary level. Others using reclaimed water in a way that provides little or no potential for public contact are required to treat the reclaimed water to the secondary level. The regulation lists the various categories of reuse of reclaimed water and the corresponding reclaimed water quality requirements. For categories of uses not listed in the regulation, the State Water Control Board is allowed to conduct a case-by-case review and determine the water quality requirements.

The proposed regulation also requires that all new reclamation and reuse facilities meet certain specific design, operation, storage, and maintenance standards. Currently, VPA and VPDES permit regulations broadly lay out the procedures and requirements to be followed in order to get a permit, but do not prescribe any specific standards. The standards being

proposed in this regulation are consistent with EPA guidelines and similar to standards adopted in states such as California and Florida that have regulations governing both the reclamation and reuse of wastewater (most other states have regulations covering the reclamation but not the reuse of wastewater) and include:

- System Reliability Requirements
- Use Area Control Requirements (including standards for notification and advisory signs, cross connection controls, setback distances for irrigation with reclaimed water, and access controls to areas irrigated with reclaimed water)
- Application and Distribution System Requirements (for irrigation with reclaimed water)
- Storage Requirements (for reclaimed water to be used for irrigation)
- Irrigation Rates and Nutrient Management Plans (for sites irrigated with reclaimed water)
- Operation and Maintenance Manuals
- Monitoring Requirements

Existing facilities currently permitted by DEQ to produce, distribute, or use reclaimed water need not comply with the regulation unless the facilities are modified/expanded or unless the treatment process is altered. Existing permitted facilities include all facilities currently producing reclaimed water that are directly regulated under a VPA or VPDES permit and all facilities using reclaimed water that are regulated indirectly through their supplier's VPA or VPDES permit. If existing facilities are modified/expanded or if the treatment process is altered, the owner of the facility would need to apply for a modification to the existing permit. However, the conditions of the regulation will apply only to the expansions, modifications, or changes made to the treatment process.

Existing reclamation and reuse systems that have not been permitted by DEQ will now be required to obtain a VPA or VPDES permit in accordance with the proposed regulation. Existing unpermitted facilities include all facilities currently reusing reclaimed water under informal guidelines established by DEQ, VDH, and DCR.

However, DEQ does not anticipate permitting all facilities reusing reclaimed water. If the producer/supplier assumes responsibility to ensure that reclaimed water is used in accordance with this regulation, the user of the reclaimed water may not need to get a VPA or VPDES permit. For example, taking the case of farms irrigating with reclaimed water. Under current policy, the supplier of the reclaimed water, usually a municipal wastewater treatment facility, is responsible for ensuring the proper application and use of the reclaimed water. If the municipal treatment facility continues to take responsibility to ensure that the reclaimed water is applied to the land in accordance with this regulation, individual farms may not be required to get a VPA or VPDES permit. However, if the municipal treatment facility chooses not to take responsibility for the proper use of reclaimed water, DEQ will decide whether individual farms are now required to get VPA or VPDES permits. If they are required to get a

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permit, it will impose significant additional costs on these reuse facilities. If they are not required to get a permit, there may be significant environmental costs of not having these facilities meet the reuse requirements. The regulation does not explicitly address this issue and creates uncertainty about its eventual impact.

### *Economic Impact:*

Water is a limited resource that is not generally allocated by the forces of supply and demand in a freely operating market. Expanding development, an increasing population, and adverse climatic conditions have created a scarcity of water, especially potable water. Potable water requires a much higher level of treatment and disinfection than that provided by secondary or tertiary treatment. The use of reclaimed water treated to the secondary or tertiary level in such a way that it does not create a public health or environmental hazard will lead to a more efficient allocation of existing resources: (i) using water of quality that is commensurate with the risk associated with its use will lead to less waste of resources and (ii) using lower quality reclaimed water for certain purposes will increase the available supply of potable water.

A 2000 DEQ report to the Governor and the General Assembly determined after reviewing data from existing reclamation and reuse projects that with proper treatment of reclaimed water and with proper operation and management of the reuse project, water reclamation and reuse can be implemented in a way that is protective of public health and the environment. The proposed regulation recognizes that different uses of water can tolerate different levels of water quality depending on the potential health and environmental risks. It prohibits the use of reclaimed water for certain uses and, for other uses, it determines the minimum level of treatment to be provided to reclaimed water before it is reused. It also prescribes specific standards for operation and management of reclamation and reuse systems in an effort to reduce the risk to public health and the environment.

The regulation is likely to encourage the reclamation and reuse of wastewater by: (i) establishing uniform conditions and standards for the reclamation and reuse of wastewater that reduce the uncertainty and hence the costs associated with setting up and operating wastewater reclamation and reuse systems, (ii) increasing the awareness of potential end-users of the possibilities of using reclaimed water, and (iii) providing regulatory oversight such that fears regarding health and environmental consequences of using reclaimed water are allayed.

On the other hand, the proposed regulation is likely to discourage the reclamation and reuse of wastewater by significantly increasing the cost of operating these facilities: (i) by imposing additional design, operation, storage, and maintenance standards on reclamation and reuse systems, (ii) by imposing reclaimed water quality requirements on facilities reusing reclaimed water, and (iii) by requiring reuse systems to get a VPA or a VPDES permit. If the additional costs of compliance raise the price of reclaimed water such that it costs more than potable water, the proposed regulation is likely to produce an effect opposite of its intended effect, i.e., it will discourage the reclamation and reuse of wastewater. Thus, in order for the regulation to have its intended effect, (i)

the net benefit of selling reclaimed water has to be greater than the cost the cost incurred in simply discharging the reclaimed water and (ii) the cost of using reclaimed water has to be less than the cost of using potable water.

Under current policy, DEQ estimates that on average the price of reclaimed water is approximately half that of potable water. For example, the Hampton Roads Sanitation District sells reclaimed water to Giant Refinery at \$1.50 per 1,000 gallons. If they were to use potable water, Giant Refinery would be paying \$3.25 per 1,000 gallons. The difference in cost between potable and reclaimed water would be less in rural and not-so-densely populated areas where there is less demand for potable water. However, the cost of getting a VPA or VPDES permit was tripled in July 2002 (it now ranges from \$7,500 to \$10,500 for a VPA permit and from \$4,200 to \$24,000 for a VPDES permit). Combined with the additional compliance costs associated with the proposed regulation, this is likely to raise the price of reclaimed water.

- For Reclamation Facilities: Facilities that produce reclaimed water will face increased costs of compliance as a result of the additional design, operation, storage, and maintenance standards. Assuming that reclamation facilities cannot charge more for reclaimed water than what it costs to buy potable water, the net economic benefit from selling reclaimed water will be the increased revenue from selling reclaimed water less the increased compliance cost of doing so. If the compliance costs associated with the proposed regulation are large enough and the net economic benefit from selling reclaimed water negative enough, some facilities producing reclaimed water will choose to get a VPDES permit and discharge the water into surface water. Under these circumstances, the supply of reclaimed water will fall.
- For Reuse Facilities: Facilities that use reclaimed water (except for some indirectly permitted irrigation projects) will face increased costs of compliance as a result of the additional design, operation, storage, and maintenance standards, the reclaimed water quality requirements, and the permit costs. Additional design criteria such as irrigation rates and nutrient management plans are likely to raise the engineering and construction costs associated with these facilities. Setback distance requirements are likely to significantly increase costs for irrigation-related reuse projects. Continuous monitoring requirements for reuse facilities to ensure that water of appropriate quality is being used are also likely to increase costs, especially for smaller reuse facilities. If the reuse facility is required to obtain a VPA or VPDES permit, it would cost them between \$4,200 and \$24,000. The net economic benefit from using reclaimed water will be the cost savings from using reclaimed water instead of potable water less the increased cost of compliance. If the compliance costs are so large that they swamp any cost savings associated with shifting toward the use of reclaimed water, some reuse facilities will choose to use potable water. Under these circumstances, the demand for reclaimed water will fall.

The additional costs imposed have to be balanced against a potential increase in protection to public health and the environment from the proposed regulation. However, DEQ

has no estimates regarding the potential increase in compliance costs and in the price of reclaimed water as a result of adopting the proposed regulation. Nor is there any estimate of the increased protection provided to public health and the environment from these additional requirements. While a review of ground water monitoring data of some permits issued to land irrigation projects by the 2000 DEQ report indicated that inadequate design, operation, storage, and maintenance standards may have contributed to a negative impact to ground water quality, no direct linkage was established.

The Hampton Roads Sanitation District, represented on the technical committee advising DEQ on the proposed regulation, believes that the proposed regulation could impose an additional one-time compliance costs on reclamation and reuse of wastewater for industrial purposes, but that the increase in compliance costs is not likely to outweigh the economic benefits of selling and using reclaimed water. On the other hand, the Virginia Agribusiness Council, also represented on the technical committee advising DEQ on the proposed regulation, believes that the additional compliance costs imposed by the proposed regulation, especially for nonfarm facilities such as golf courses and athletic fields using reclaimed water for irrigation, are likely to be prohibitive enough to actually discourage the use of reclaimed water to lower than existing levels. Yet another member of the technical advisory committee believes that the proposed regulation will increase compliance costs for reclamation facilities, but not so significantly as to make the project infeasible (these facilities would still be considered profitable using net present value calculations over a 20-year period). However, the increased compliance costs (especially additional design costs, setback distances, and monitoring requirements) faced by reuse facilities could discourage smaller reuse facilities and reuse facilities located in rural areas (where the cost of potable water is low). For all other types of reuse facilities, especially those located in urban areas where the price of potable water is higher, the member believes that the increase in compliance costs is not likely to outweigh the long-term saving from using reclaimed water.

### *Conclusion:*

The use of reclaimed water could lead to a more efficient allocation of existing resources by allowing water quality to be commensurate with the risk associated with using it. The proposed regulation is likely to encourage the reclamation and reuse of wastewater by reducing uncertainty, increasing awareness of reclaimed water as an alternative source of water, and allaying concerns about health and safety. On the other hand, the regulation imposes significant additional compliance costs on reclamation and reuse systems. The extent to which the additional costs are necessary to protect public health and the environment is not known. However, if the compliance costs are large enough, the regulation could result in a decline in the reclamation and reuse of wastewater and have the opposite of the intended effect of this regulation.

Businesses and entities affected. The proposed regulation affects all facilities that produce reclaimed water. These facilities now have the option to either sell the reclaimed water or to discharge it under a VPA or VPDES permit. The net

impact of the additional revenue earned from selling reclaimed water and the additional compliance cost imposed by this regulation will determine the number of facilities that choose to sell reclaimed water. The proposed regulation also affects businesses and entities that are potential users of reclaimed water. Instead of potable water, these facilities can now use reclaimed water of lower quality, depending on its intended use. The decision to use reclaimed water will be determined by the net impact of the cost savings from using reclaimed water instead of potable water and the additional compliance costs. The proposed regulation could also affect users of potable water. Any substitution toward reclaimed water and away from potable water for some categories of uses is likely to increase available supply of potable water for other uses.

Localities particularly affected. The proposed regulation affects all localities in the Commonwealth. If the regulation does result in the increased use of reclaimed water, some localities (especially in the western nontidal region of the state) dependent on surface water flows could be adversely affected by a reduction of stream flows where treated wastewater was previously discharged to surface waters. However, these localities could benefit from the lower levels of surface water contamination as a result of increased reuse. Some localities dependent on ground water supply could see an increase in groundwater supply. However, this would have to be balanced against a potential degradation of groundwater quality.

Projected impact on employment. The proposed regulation is not likely to have a significant impact on employment.

Effects on the use and value of private property. The proposed regulation could increase the profitability of facilities producing wastewater. Instead of discharging the treated wastewater under a VPA or VPDES permit, facilities producing reclaimed water could now sell the reclaimed water. The proposed regulation could lower costs for facilities currently using potable water that could use reclaimed water at no significant additional risk to health and the environment. The proposed regulation could also affect the production and use of potable water by potentially increasing the available supply of potable water. The price of potable water is driven to a large extent by the need to meet financing costs incurred in the construction of the water treatment plant. However, if facilities producing potable water are currently operating at full capacity, the potential increase in the supply could benefit the Commonwealth by eliminating or postponing the need to construct new potable water treatment plants. On the other hand, if facilities producing potable water are not operating at full capacity, the potential increase in supply will not have a significant effect of the production of potable water and could have the perverse effect of raising its price.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Environmental Quality (DEQ) generally agrees with the economic impact analysis prepared by the Department of Planning and Budget. However, DEQ does not believe that the compliance costs will be significant enough to discourage the reclamation and reuse of wastewater. In order to further address this issue, with input from the public, DEQ will specifically request comment from the public on whether any

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provisions of this regulation discourage the reclamation and reuse of wastewater and will address any concerns raised prior to the final adoption of the regulation.

## Summary:

The proposed regulation will establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health. It will provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. The proposed regulation encompasses the following reuse categories: irrigation for agricultural, forest and landscape uses, industrial processes (cooling, boiler feed, stack scrubbing and process water), and nonpotable urban use (street washing, vehicle washing and fire protection). Additionally, it provides a case-by-case approval for any unlisted reuse categories. This regulation also prescribes specific design, operation and maintenance standards for wastewater reclamation and reuse systems.

## CHAPTER 740. REGULATION FOR WASTEWATER RECLAMATION AND REUSE.

### PART I. DEFINITIONS AND GENERAL PROGRAM REQUIREMENTS.

#### **9 VAC 25-740-10. Definitions.**

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

"Board" means the Virginia State Water Control Board or State Water Control Board.

"Continuous/self-move sprinkler irrigation system" means a lateral, sprinkler (traveler), or boom that is continuous or self-moving while water is being applied. Power for moving the system is typically provided by electric or hydraulic motors or small diesel engines. Such system includes, but is not limited to, center pivots and traveling guns.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483 and Public Law 97-117, 33 USC § 1251 et seq.

"Direct potable reuse" means the discharge of reclaimed water directly into a drinking water treatment facility or into a drinking water distribution system.

"Director" means the Director of the Department of Environmental Quality or an authorized representative.

"Disinfection" means the destruction, inactivation, or removal of pathogenic microorganisms by chemical, physical, or biological means. Disinfection may be accomplished by chlorination, ozonation, other chemical disinfectants, UV irradiation, or other processes.

"Disposal" means the discharge of effluent to injection wells, effluent outfalls, subsurface drain systems, or other facilities

utilized strictly for the release of effluents into the environment without deriving a direct beneficial use.

"Domestic wastewater" means wastewater deriving from the normal family or household activities, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

"Drip irrigation" means the slow and even application of water to individual plants using plastic tubing and drip devices (usually called emitters) with a maximum flow rate of two gallons per hour.

"Effluent," unless specifically stated otherwise, means wastewater that is not reused after flowing out of any treatment works.

"End user" means a person who directly uses reclaimed water meeting the requirements of this regulation.

"Field capacity" means the maximum water content at which drainage of water from the root zone of a soil becomes negligible, and equilibrium is attained against gravitational forces operating on soil water.

"Filtration" means the passing of wastewater through a conventional technology such as natural undisturbed soils, sand or anthracite, or a nonconventional technology such as microfiltration, ultrafiltration, nanofiltration or reverse osmosis membrane.

"Fixed/solid-set sprinkler irrigation system" means a system of portable surface or permanently buried laterals totally covering the irrigated area or field. Typically several adjacent laterals or heads are operated at one time. Portable laterals are typically removed from the field at the end of germination, plant establishment, or irrigation season and are replaced the next irrigation season.

"Food crops - commercially processed" means food crops that prior to sale to the public or others have undergone chemical or physical processing sufficient to destroy pathogens.

"Food crops - not commercially processed" means food crops that prior to sale to the public or others have not undergone chemical or physical processing sufficient to destroy pathogens.

"Gray water" means untreated wastewater from bathtubs, showers, lavatory fixtures, wash basins, washing machines, and laundry tubs. It does not include wastewater from toilets, urinals, kitchen sinks, dishwashers, or laundry water from soiled diapers.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of this Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Indirect potable reuse" means the withdrawal, treatment, and distribution of water for drinking from surface waters that are fed in part by the discharge of reclaimed water.

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

"Irrigation" means the application of water to land to assist in crop growth.

"Municipal wastewater" means sewage.

"Nonpotable water" means any water, including reclaimed water, not meeting the definition of potable water.

"NTU" means nephelometric turbidity units.

"Periodic-move sprinkler irrigation system" means a system of laterals, sprinkler heads (gun types) or booms that are moved between irrigation settings. They remain stationary while applying water.

"Potable water" means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served.

"Public access area" means an area that is intended to be accessible to the general public, such as golf courses, cemeteries, parks, athletic fields, school yards, and landscape areas. Public access areas include private property that is not open to the public at large, but is intended for frequent use by many persons. Public access areas also include residential dwellings. Presence of authorized farm personnel or other authorized treatment plant, utilities system, or reuse system personnel does not constitute public access.

"Reclaimed water" means water resulting from the treatment of domestic, municipal or industrial wastewater that is suitable for a direct beneficial use or a controlled use that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclaimed water agent" means a person who holds a permit to distribute reclaimed water to more than one end user.

"Reclaimed water distribution system" means a network of pipes, pumping facilities, storage facilities, and appurtenances designed to convey and distribute reclaimed water from one or more reclamation systems to one or more end users.

"Reclamation or wastewater reclamation" means the treatment of domestic, municipal or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Reclamation system" means a treatment works that treats domestic, municipal or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Reuse" or "water reuse" means the use of reclaimed water for a direct beneficial use or a controlled use in accordance with this regulation.

"Reuse system" means an installation or method of operation that uses reclaimed water for a direct beneficial use or a controlled use in accordance with this regulation.

"Secondary treatment – basic disinfection reclaimed water" means reclaimed water that has undergone a biological treatment process that achieves the minimum level of effluent quality defined by the federal secondary treatment regulation at 40 CFR 133.102 (2001); and a disinfection process so that the median value of fecal coliform bacteria from the bacteriological results of the last seven days for which analyses have been completed does not exceed 200/100 ml, any single fecal coliform sample does not exceed 1,000/100 ml, and if chlorine is used, the total residual chlorine is no less than one mg/l after a minimum contact time of 30 minutes at maximum daily flow.

"Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

"State Water Control Law" or "Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

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

"Subsurface application system" means a network of small diameter, porous or perforated pipes installed horizontally at depth generally less than 12 inches for the purpose of releasing reclaimed water at or near the root zone of the vegetated cover. The release of reclaimed water shall be below the ground surface.

"Supplemental irrigation" means the application of water at a rate that undesirable plant water stress does not occur nor is field capacity exceeded from any specific irrigation event.

"Surface waters" means all waters in the Commonwealth, except ground water as defined in § 62.1-255 of the Code of Virginia.

"Tertiary treatment – high-level disinfection reclaimed water" means reclaimed water that has undergone filtration so that the monthly average of five-day biochemical oxygen demand (BOD<sub>5</sub>) is 10 mg/l or less; pH is maintained within the limits of 6.0 and 9.0 standard units; the 24-hour average turbidity is two NTU or less and any single sample does not exceed five NTU; and a disinfection process immediately following filtration so that the median value of fecal coliform bacteria from the bacteriological results of the last seven days for which analyses have been completed is not detectable, any single fecal coliform sample does not exceed 14/100 ml, and if chlorine is used, the total residual chlorine is no less than one mg/l after a minimum contact time of 30 minutes at maximum daily flow.

"Treatment works" means any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste, or that are necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations thereof; or any devices and systems, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting

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from such treatment; or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

"Virginia Pollution Abatement (VPA) Permit" means a document issued by the board, pursuant to the Virginia Pollution Abatement Permit Regulation (9 VAC 25-32), authorizing pollutant management activities under prescribed conditions.

"Virginia Pollutant Discharge Elimination System (VPDES) Permit" means a document issued by the board, pursuant to the Virginia Pollutant Discharge Elimination System Permit Regulation (9 VAC 25-31), authorizing under prescribed conditions the potential or actual discharge of pollutants from a point source to surface waters and the use or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to an NPDES permit.

"Wastewater" means liquid and water carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated.

## **9 VAC 25-740-20. Purpose.**

In accordance with §§ 62.1-44.2 and 62.1-44.15 of the Code of Virginia, it is the policy of the Commonwealth and the purpose of this regulation to promote and encourage the reclamation and reuse of wastewater in a manner protective of the environment and public health. In addition, the purpose of this regulation is to promote and establish requirements for the reclamation and reuse of wastewater and provide greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. Specifically, this regulation establishes design, operation and maintenance standards, and permitting requirements for wastewater reclamation and water reuse that are protective of state waters and public health as an alternative to discharging effluent to state waters.

## **9 VAC 25-740-30. Applicability.**

The requirements of this regulation shall apply to the reclamation and reuse systems. Unless specifically excluded under 9 VAC 25-740-40, this regulation shall apply to all new reclamation and reuse systems for which VPA or VPDES permit applications are received after (insert the effective date of this regulation). This regulation shall also apply to all existing permitted facilities producing, distributing or using reclaimed water when such facilities are to be modified or expanded, but this regulation shall apply only to the expansion or modification thereof, or if treatment processes are altered to produce reclaimed water. The owners of all existing unpermitted reclamation and reuse systems shall submit a complete VPA or VPDES permit application in accordance with this regulation within 120 days of (insert the effective date of this regulation).

## **9 VAC 25-740-40. Exclusions and prohibitions.**

A. The following are excluded from the requirements of this regulation:

1. Septic tank drainfield systems and other on-site sewage treatment and disposal systems with subsurface disposal, as permitted by the Virginia Department of Health.

2. Utilization of gray water.

3. Nonpotable water produced at a treatment works when utilized on-site at that treatment works. The treatment works site shall not include property that is not contiguous to the parcel of land upon which the treatment works is located.

4. Irrigation of land with reclaimed water at rates exceeding the supplemental irrigation rate as defined in this regulation.

5. Indirect potable reuse of reclaimed water.

Exclusion from the requirements of this regulation does not relieve any owner of the above operations of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulations.

B. The following are prohibited under this regulation:

1. Reclaimed water shall not be used for direct potable reuse.

2. Reclaimed water shall not be directly injected into any underground aquifer.

## **9 VAC 25-740-50. Relationship to other regulations.**

A. Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32). The VPA Permit Regulation delineates the procedures and requirements to be followed in connection with the VPA permits issued by the board pursuant to the State Water Control Law. While any treatment works treating domestic, municipal or industrial wastewater that produces reclaimed water or a facility that reuses reclaimed water in a manner that does not result in a discharge to surface waters is required to obtain a VPA permit, this regulation (9 VAC 25-740) prescribes specific design, operation and maintenance standards for wastewater reclamation and water reuse. These specific requirements shall be incorporated into the VPA permit application and the VPA permit when applicable.

B. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31). The VPDES Permit Regulation delineates the procedures and requirements to be followed in connection with VPDES permits issued by the board pursuant to the Clean Water Act and the State Water Control Law. While any treatment works treating domestic, municipal or industrial wastewater that produces reclaimed water or a facility that reuses reclaimed water in a manner that results in a discharge to surface waters is required to obtain a VPDES permit, this regulation (9 VAC 25-740) prescribes specific design, operation and maintenance standards for wastewater reclamation and water reuse. These specific requirements shall be incorporated into the VPDES permit application and the VPDES permit when applicable.

C. Sewage Collection and Treatment Regulations (12 VAC 5-581). The Sewage Collection and Treatment Regulations establish standards for the operation, construction, or modification of a sewerage system or treatment works, including land treatment systems. This regulation (9 VAC 25-740) prescribes specific design, operation and maintenance standards for wastewater reclamation and water reuse.

**9 VAC 25-740-60. Delegation of authority.**

The director may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

PART II.  
STANDARDS FOR IRRIGATION WITH RECLAIMED  
WATER.

**9 VAC 25-740-70. Reclaimed water quality requirements for irrigation uses.**

A. Reclaimed water used to irrigate the following shall be at least tertiary treatment – high-level disinfection reclaimed water.

1. Food crops – not commercially processed (no reclaimed water used for irrigation, or soil that has been irrigated with reclaimed water, shall come into contact with the edible portion of food crops eaten raw by humans);
2. Orchards, vineyards and container nurseries (spray irrigation);
3. Golf courses;
4. Parks;
5. Athletic fields;
6. School yards;
7. Cemeteries; and
8. Landscape areas (residential, industrial or commercial).

B. Reclaimed water used to irrigate the following shall be at least secondary treatment – basic disinfection reclaimed water.

1. Nonfood crops (fodder, fiber, seed crops);
2. Pasture;
3. Ornamental nursery stock (except container nurseries) and sod farms;
4. Silviculture;
5. Orchards, vineyards and container nurseries (drip irrigation);
6. Food crops – commercially processed; and
7. Highway medians.

**9 VAC 25-740-80. System reliability requirements.**

A. Unless reclaimed water is used in combination with an option to discharge via a VPDES permit, adequate reliability features shall be provided for the reclamation and reuse systems. At a minimum, replicate treatment units and an automatically activated standby power source or other means to prevent improperly treated wastewater from entering the reclaimed water distribution system shall be provided.

B. Reclaimed water produced at the reclamation system that fails to meet the reclaimed water quality standards shall not be discharged into the storage facility for irrigation or the reclaimed water distribution system. Such substandard

reclaimed water (reject water) shall be returned back to the treatment works or be discharged through a VPDES permit.

**9 VAC 25-740-90. Use area control requirements.**

A. General standards.

1. The chosen irrigation method(s) shall reasonably preclude human contact with the reclaimed water.
2. Reclaimed water shall be prevented from standing on public access areas during the public access areas' normal periods of use.
3. Reclaimed water shall be prevented from coming into contact with drinking fountains, water coolers, or eating areas.
4. Any irrigation runoff shall be confined to the reclaimed water use area, unless the runoff does not pose a public health or environmental threat and is authorized by the board.

B. Notification and advisory signs.

1. The end users of reclaimed water shall be informed by the reclamation system or reclaimed water agent about the origin, nature and characteristics of reclaimed water; the manner in which reclaimed water can be safely used; and limitations on the use of reclaimed water. Notification is required at the time of connection to the reclaimed water distribution system and annually after the reuse system is placed into operation.
2. All reclaimed water piping, valves, outlets and other appurtenances shall be colored purple, taped, or otherwise marked to warn the public and employees that the source of the water is reclaimed water and the water is not intended for drinking. Where appropriate, this warning shall inform the public and employees to avoid contact with the water.
3. Tank trucks and other equipment used to transport or distribute reclaimed water shall be clearly identified with advisory signs.
4. All areas where reclaimed water is used that are public access areas shall be posted with signs that include the following words: "CAUTION: RECLAIMED WATER – DO NOT DRINK" together with the equivalent standard international symbol. The size of the sign and lettering used shall be such that it can be easily read by a person with normal vision at a distance of 50 feet. The board may accept alternate signage and wording, or an educational program, provided that the alternate approach will assure an equivalent degree of public notification.
5. Similar advisory signs as described above shall be posted adjacent to any storage facilities that are not located at the reclamation system.

C. Cross-connection controls.

1. There shall be no direct cross-connection between a reclaimed water distribution system and potable water system. The reclaimed water distribution system shall be in compliance with the cross connection control and backflow prevention requirements in Article 3 (12 VAC 5-590-580 et seq.) of Part II of the Commonwealth of Virginia Waterworks

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Regulations, the Uniform Statewide Building Code, and local building and plumbing codes.

2. Where potable water is used to supplement a reclaimed water distribution system, there shall be an air gap separation, where practical, between the potable water system and reclaimed water distribution system. If an air gap separation is not practicable, the minimum level of protection shall be a reduced pressure principle backflow preventer.

3. Potable water may not be used as an alternative water supply to an onsite reclaimed water distribution system unless there is an unplanned, short-term interruption of the reclaimed water service. In such cases, a swivel-ell type connection shall be used to preclude connecting both sources of supply to the use area at the same time. In addition, a reduced pressure principle backflow preventer shall be installed on the potable water side of the swivel-ell connection, and must be approved by the water purveyor prior to installation. Use of such an interchangeable connection must be supervised continuously as long it remains in service.

4. The return of reclaimed water to the reclaimed water distribution system after the reclaimed water has been delivered to an end user is prohibited.

## D. Setback distances.

1. The following setback distances pertain to supplemental irrigation with the tertiary treatment – high-level disinfection reclaimed water to areas listed under 9 VAC 25-740-70 A. Unless a continuous/self-move sprinkler irrigation system or the wetted radius from a fixed/solid-set sprinkler irrigation system or a periodic-move sprinkler irrigation system exceeding 75 feet is used, such distances shall be maintained between the site subject to irrigation and the following features:

a. Water supply wells, springs or public water supply sources	100 feet
b. Surface waters	10 feet
c. Occupied dwellings (not applicable to residential landscape areas)	10 feet
d. Rock outcrops	25 feet
e. Limestone rock outcrops	50 feet

In cases where a continuous/self-move sprinkler irrigation system or the wetted radius from a fixed/solid-set sprinkler irrigation system or a periodic-move sprinkler irrigation system exceeding 75 feet is used, depending upon the site-specific features, the distance to surface waters may be up to 25 feet; the distance to ditches, swales, or other structural conveyances may be up to 10 feet; and the distance to occupied dwellings may be up to 100 feet. The distances to water supply wells, springs or public water supply sources, rock outcrops and limestone rock outcrops shall be the same as above.

2. The following setback distances shall be maintained between the site subject to supplemental irrigation with the

secondary treatment – basic disinfection reclaimed water and the following features:

a. Water supply wells, springs or public water supply sources	100 feet
b. Surface waters	50 feet
c. Ditches, swales, or other structural conveyances	25 feet
d. Improved roadways (not applicable to highway medians)	25 feet
e. Occupied dwellings	100 feet
f. Property lines	50 feet
g. Rock outcrops	25 feet
h. Limestone rock outcrops	50 feet

3. Written consent of affected landowners is required to reduce setback distances from occupied dwellings or property lines.

4. Depending upon the site-specific features, setback distances to outcrops may be reduced at irrigation sites where the tertiary treatment – high-level disinfection reclaimed water is used.

5. The above setback distances, except for water supply wells, springs or public water supply sources, may be reduced or eliminated if drip or subsurface application systems are employed.

6. In cases where more than one setback distance is involved, the most restrictive distance governs.

## E. Access and other controls.

1. Public access is not restricted at irrigation sites where tertiary treatment – high-level disinfection reclaimed water is used.

2. Public access shall be restricted at irrigation sites where secondary treatment – basic disinfection reclaimed water is used.

3. Irrigation sites where secondary treatment-basic disinfection reclaimed water is used shall not be used for grazing of milking animals for a period of 15 days from the last day of irrigation with reclaimed water.

4. A minimum of 15 days shall be required between the last day of irrigation with secondary treatment – basic disinfection reclaimed water and utilization of nonfood crops.

5. A minimum of seven days shall be required between the last day of irrigation with secondary treatment – basic disinfection reclaimed water and retail sale or allowing access by the general public for ornamental nursery stock and sod farms.

## 9 VAC 25-740-100. Application and distribution system.

A. Tank trucks may be used to transport and distribute reclaimed water for land irrigation only if the following requirements are met:

1. The truck is not used to transport potable water that is used for drinking water; and

2. The truck is not used to transport waters or other fluids that do not meet the requirements of this regulation, unless the tank has been evacuated and properly cleaned prior to the addition of the reclaimed water.

B. The portions of the reclaimed water distribution system that are in public access areas shall not include any hose bibs. Only quick couplers that differ from those used on the potable water system shall be used on the portions of the reclaimed water distribution system in public access areas.

C. Aboveground hose bibs (spigots or other hand-operated connections) shall not be used in any areas. Hose bibs shall be located in locked, below grade vaults which shall be clearly labeled as being of nonpotable quality. As an alternative to the use of locked, below grade vaults with standard hose bib services, hose bibs which can only be operated by a special tool may be placed in nonlockable underground service boxes clearly labeled as nonpotable water.

D. The height of spray nozzles, pressure at the spray nozzles and spacing of the laterals shall be adequate to provide uniform distribution of the reclaimed water over the irrigation site while preventing runoff and ponding.

### **9 VAC 25-740-110. Storage requirements.**

A. Storage facilities shall not be required when the reclamation and reuse systems have an option to discharge through a VPDES permit or alternative reuse or disposal of the reclaimed water is provided and it receives an approval from the board.

B. Unless exempted by subsection A of this section, storage facilities shall be required as follows:

1. Adequate storage period shall be provided to ensure retention of reclaimed water during inclement weather, nongrowing season, harvest and planting period, and maintenance of irrigation equipment or other conditions which preclude irrigation. The total volumes of holding required shall be based on the storage necessary to provide for climatic conditions, and the consumptive use of water and nutrient management requirements of selected crops.

2. Climatic holding periods shall be based on the most adverse conditions of freezing and precipitation, as taken from a minimum of 25 years of historical data that are available for the local area.

3. The storage facilities shall be designed and operated to prevent point source discharge of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm.

4. A two-foot freeboard shall be maintained at all times.

5. A minimum two-foot separation distance between the facility bottom and the seasonal high water table shall be provided unless it can be demonstrated by predictive calculations or modeling methods acceptable to the board, that construction and use of the storage facilities will not result in violation of 9 VAC 25-260-190 through 9 VAC 25-260-240 of the Ground Water Standards.

6. The storage facilities shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner. Liners shall have a maximum coefficient of permeability of  $1 \times 10^{-6}$  cm/sec. The soils used as liners shall be capable of achieving a maximum coefficient of permeability of  $1 \times 10^{-7}$  cm/sec or less. Total compacted soil liner thickness shall be at least one foot and shall be composed of separate lifts not to exceed six inches.

7. The storage facilities shall not be located on a floodplain unless protected from inundation or damage by a 100-year frequency flood event.

8. A 300-foot setback distance shall be provided from the perimeter of the storage facility that contains the tertiary treatment – high-level disinfection reclaimed water to water supply wells, springs or public water supply sources. A 500-foot setback distance shall be provided from the perimeter of the storage facility that contains the secondary treatment – basic disinfection reclaimed water to water supply wells, springs or public water supply sources.

### **9 VAC 25-740-120. Irrigation rates and nutrient management plan.**

A. The irrigation rates shall be site-specific and shall be in accordance with the recommendations of a soil scientist, agronomist or an individual with knowledge and experience in the comprehensive evaluation of soils and nutrient management. The design loading rates shall be determined by the characteristics of the reclaimed water, climatic conditions, soil characteristics, consumptive use of water and nutrient management requirements of selected crops. Additionally, the quality and use of the underlying ground water may dictate the loading rates to be used. The proposed irrigation rates shall be included in the permit application.

B. Design precipitation shall be the wettest year for a 10-year period (return frequency of one year in 10). Minimum time period for this analysis should be 25 years. Average monthly distribution (average percentage of the total annual precipitation that occurs in each month) shall be assumed.

C. Reclaimed water shall not be applied when the ground is saturated or during the periods of rainfall, nor shall it be applied to frozen ground or ground covered with ice or snow.

D. A Nutrient Management Plan (NMP) shall be prepared by an individual certified as a nutrient management planner by the Department of Conservation and Recreation (DCR) for golf courses irrigated with the tertiary treatment – high-level disinfection reclaimed water. The NMP shall be implemented and maintained on site for inspection when requested.

E. A NMP shall be prepared by an individual certified as a nutrient management planner by DCR for sites irrigated with the secondary treatment – basic disinfection reclaimed water, except highway medians. A complete NMP shall be submitted with the permit application. The NMP shall be implemented and maintained on site for inspection when requested.

### **9 VAC 25-740-130. Operation and maintenance manual.**

An operation and maintenance manual shall be developed for each reclamation and reuse system. The purpose of the

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manual is to facilitate the operator's understanding of operational constraints and the monitoring and reporting requirements specified in the permit issued to the reclamation and reuse systems. The scope and content of the manual depends upon the complexity of the reclamation and reuse systems. The manual shall contain a contingency plan which will assure that no untreated or inadequately treated wastewater will be delivered to the use areas.

## **9 VAC 25-740-140. Monitoring requirements.**

### **A. Reclaimed water.**

1. Reclaimed water quality standards shall be met after disinfection and before discharge to storage facilities or reclaimed water distribution systems except that, if applicable, the turbidity standards shall be achieved before disinfection.

2. The tertiary treatment – high-level disinfection reclaimed water shall be continuously sampled for turbidity using a continuous turbidity meter following filtration.

3. Continuous on-line monitoring of total chlorine residual or for residual concentrations of other disinfectants, if used, shall be provided at the compliance monitoring point.

4. Instruments for continuous on-line monitoring of turbidity and disinfectant residuals shall be equipped with an automated data logging or recording device.

**B. Ground water.** Depending upon the quality of the reclaimed water used and the soil and hydrogeology of the storage facilities and land irrigation sites, ground water monitoring may be required on a case-by-case basis.

### **PART III.**

## **STANDARDS FOR INDUSTRIAL OR OTHER USES OF RECLAIMED WATER.**

## **9 VAC 25-740-150. Reclaimed water quality requirements for industrial or other uses.**

**A. Reclaimed water used for the following purposes shall be at least secondary treatment – basic disinfection reclaimed water.**

1. Cooling;
2. Boiler feed;
3. Stack scrubbing;
4. Process water;
5. Street washing; and
6. Fleet vehicle washing.

**B. Reclaimed water used for the following purposes shall be at least tertiary treatment – high-level disinfection reclaimed water.**

1. Fire protection; and
2. Commercial vehicle washing.

**C. The board may prescribe specific reclaimed water quality requirements for any uses not listed in this regulation. The board shall, using its best professional judgment, determine**

**and require compliance with reclaimed water quality requirements needed to protect public health and the environment. The board shall consider the following factors when prescribing reclaimed water quality requirements for an unlisted type of reuse:**

1. The risk to public health;
2. The degree of public access to the site where the reclaimed water is used and human exposure to the reclaimed water;
3. The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
4. The level of treatment necessary to prevent nuisance conditions;
5. The means of application of the reclaimed water;
6. The degree of treatment necessary to ensure compliance with the Water Quality Standards (9 VAC 25-260);
7. The potential for improper or unintended use of the reclaimed water;
8. The reuse guidelines, criteria, or standards adopted or recommended by the U.S. Environmental Protection Agency or other federal or state agencies that would apply to the type of reuse; and
9. Similar wastewater reclamation experience of reclaimed water providers in the United States.

**D. Individual industrial activities or users may have water quality needs which may necessitate treatment beyond the minimum requirements established in this regulation. These additional treatment requirements are not subject to this regulation.**

## **9 VAC 25-740-160. System reliability requirements.**

The system reliability requirements shall be in accordance with 9 VAC 25-740-80.

## **9 VAC 25-740-170. Use area control requirements.**

### **A. General standards.**

1. There shall be no nuisance conditions resulting from the distribution, the use, or storage of reclaimed water.
2. Aerosols and windblown spray from an open cooling tower shall not reach public access areas. If there is the potential for aerosols or windblown spray to reach public access areas, a drift eliminator on the cooling tower shall be required, and additional disinfection may be required as determined on a case-by-case basis. This additional disinfection may be accomplished by the industrial facility.

### **B. Notification and advisory signs.**

1. The end users of reclaimed water shall be informed by the reclamation system or reclaimed water agent about the origin, nature and characteristics of reclaimed water; the manner in which reclaimed water can be safely used; and limitations on the use of reclaimed water. Notification is required at the time of connection to the reclaimed water

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distribution system and annually after the reuse system is placed into operation.

2. All reclaimed water piping, valves, outlets and other appurtenances shall be colored purple, taped, or otherwise marked to warn the public or employees that the source of the water is reclaimed water and the water is not intended for drinking. Where appropriate, such warning shall inform the public or employees to avoid contact with the water.

3. Tank trucks and other equipment used to distribute reclaimed water shall be clearly identified with advisory signs.

4. Advisory signs shall be posted around the portion of the industrial site in which reclaimed water is used and at the main entrances to the facility to notify employees and the public of the nature of the reclaimed water used. The sign shall include the following words: "CAUTION: RECLAIMED WATER – DO NOT DRINK" together with the equivalent standard international symbol. The size of the sign and lettering used shall be such that it can be easily read by a person with normal vision at a distance of 50 feet. The board may accept alternate signage and wording, or an educational program, provided that the alternate approach will assure an equivalent degree of public notification.

C. Cross-connection controls. The cross-connection control requirements shall be in accordance with 9 VAC 25-740-90 C.

**9 VAC 25-740-180. Operation and maintenance manual.**

The operation and maintenance manual requirements shall be in accordance with 9 VAC 25-740-130.

**9 VAC 25-740-190. Monitoring requirements.**

The monitoring requirements shall be in accordance with 9 VAC 25-740-140.

**9 VAC 25-740-200. Minimum reclaimed water quality requirements for various reuse categories.**

The following information is not all-inclusive, and it pertains to the minimum reclaimed water quality requirements for various reuse categories only. Refer to the full text of the regulation for the complete requirements for the reclamation and reuse of wastewater.

REUSE CATEGORIES		RECLAIMED WATER QUALITY REQUIREMENTS
Main	Sub	Treatment Processes & Control Parameters
Irrigation	Food crops – not commercially processed Orchards, vineyards and container nurseries (spray irrigation) Golf courses Parks Athletic fields School yards Cemeteries Landscape areas	Tertiary treatment – high-level disinfection pH 6.0-9.0 standard units BOD <sub>5</sub> 10 mg/l, 30-day avg. Turbidity 2 NTU, never > 5 NTU Median* fecal coliform bacteria not detectable, never >14/100 ml; if chlorine is used, TRC 1 mg/l after a min. contact time of 30 mins.
Irrigation	Nonfood crops (fodder, fiber, seed crops) Pasture Ornamental nursery stock (except container nurseries) and sod farms Silviculture Orchards, vineyards and container nurseries (drip irrigation) Food crops – commercially processed Highway medians	Secondary treatment – basic disinfection pH 6.0-9.0 standard units BOD <sub>5</sub> & TSS 30 mg/l, 30-day avg. Median* fecal coliform bacteria 200/100 ml, never > 1000/100 ml; if chlorine is used, TRC 1 mg/l after a min. contact time of 30 mins.
Industrial	Cooling Boiler feed Stack scrubbing Process water	Secondary treatment – basic disinfection pH 6.0-9.0 standard units BOD <sub>5</sub> & TSS 30 mg/l, 30-day avg. Median* fecal coliform bacteria 200/100 ml, never > 1000/100 ml; if chlorine is used, TRC 1 mg/l after a min. contact time of 30 mins.

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Other	<p>Fire protection (sprinkler and hydrant)</p> <p>Commercial vehicle washing</p>	<p>Tertiary treatment – high-level disinfection</p> <p>pH 6.0-9.0 standard units</p> <p>BOD<sub>5</sub> 10 mg/l, 30-day avg.</p> <p>Turbidity 2 NTU, never &gt; 5 NTU</p> <p>Median fecal coliform bacteria not detectable, never &gt;14/100 ml; if chlorine is used, TRC 1 mg/l after a min. contact time of 30 mins.</p>
Other	<p>Street washing</p> <p>Fleet vehicle washing</p>	<p>Secondary treatment – basic disinfection</p> <p>pH 6.0-9.0 standard units</p> <p>BOD<sub>5</sub> &amp; TSS 30 mg/l, 30-day avg.</p> <p>Median fecal coliform bacteria 200/100 ml, never &gt; 1000/100 ml; if chlorine is used, TRC 1 mg/l after a min. contact time of 30 mins.</p>

<sup>\*</sup>Median values of fecal coliform bacteria from the bacteriological results of the last seven days for which analyses have been completed.

VA.R. Doc. No. R01-134; Filed February 3, 2003, 3:14 p.m.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF DENTISTRY

**Title of Regulation:** 18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-10, 18 VAC 60-20-200, 18 VAC 60-20-210, and 18 VAC 60-20-220).

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

**Public Hearing Date:** April 4, 2003 - 9 a.m.

Public comments may be submitted until April 25, 2003.  
(See Calendar of Events section for additional information)

**Agency Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

**Basis:** Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 of the Code of Virginia provides the board the authority to promulgate regulations to administer the regulatory system.

The legal authority to promulgate the amendments for general supervision of dental hygienists is found in Chapter 170 of the 2002 Acts of Assembly.

**Purpose:** Provisions in the amended regulation for an evaluation and order for services prior to having the patient treated under general supervision are intended to ensure that the quality of care and the health and safety of patients is being protected. To ensure that the patient is aware of the implications of general supervision, regulations require that the patient or a responsible adult is informed that a dentist will not be present and that no anesthesia can be used. Likewise, the board determined that some procedures, especially those that involve the administration of drugs, are not appropriate to delegate under general supervision. While there is a limitation on the number of hygienists who can practice under the direction and supervision of a dentist, there is no limitation in the proposed regulation for the number of hygienists who can be supervised by a dentist in a free clinic or public health setting or working as a volunteer.

**Substance:** Amendments to regulations are adopted to define "general supervision" of dental hygienists, to prescribe the number of hygienists who may work under general supervision at any one time with certain exceptions, to set out the criteria for such practice, and to determine the duties of a hygienist that may or may not be performed under general supervision. Dental hygiene services are limited to those ordered by a licensed dentist and rendered within a specific time period, not to exceed seven months.

**Issues:** The primary advantages to the public of implementing the amended regulations are the possibility of expanding the accessibility of dental services to certain populations, such as residents of nursing homes and those receiving care at free clinics, and the ability of dental hygienists employed in dental offices to provide care when the dentist is not present. In addition, the proposed regulation may expand the availability of dental hygiene services in a free clinic, a public health program or other settings that utilize volunteers, because it eliminates the restriction of two hygienists per dentist if the hygienists are practicing under general supervision in those settings and allows hygienists who are not employed by a dentist or a governmental agency to volunteer their service.

While the hygienist will be allowed to see patients without the dentist being physically present, he may only provide those services that have been specifically ordered after a dentist has seen and evaluated the patient. Regulations require that the patient or a responsible adult must be told that no dentist is present and that no anesthesia can be administered, so the patient is adequately protected and informed. Likewise, the public is protected by the limitation on those duties or services that may be delegated under general supervision without the presence of a dentist.

There are no disadvantages to the public as all amendments are intended to provide better access to qualified practitioners without any diminution in the quality of care.

There are no advantages or disadvantages to the agency; the amended regulation does not impose a new responsibility on the board.

## Fiscal Impact:

Projected cost to the state to implement and enforce:

Fund source: As a special fund agency, the board must generate sufficient revenue to cover its expenditures from nongeneral funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation.

Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.

One-time versus ongoing expenditures: The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending copies of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and board meetings already scheduled.

Projected cost to localities: There are no projected costs to localities.

Description of entities that are likely to be affected by regulation: The entities that are likely to be affected by these regulations would be licensed dental hygienists and the dentists who supervise their practice.

Estimate of number of entities to be affected: Currently, there are 3,655 dental hygienists and 5,347 dentists licensed in the Commonwealth.

Projected costs to the affected entities: There are no projected costs for compliance. The amended regulations may provide greater access to dental hygiene care but will not increase or decrease the cost of that care.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 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. The Board of Dentistry (board) proposes to (i) allow dental hygienists to perform certain services without a dentist present provided that the dental hygienist is under "general supervision" and (ii) maintain the current limit of two dental hygienists per supervising dentist, except at free clinics, in public health programs and in voluntary work where an unlimited number of

dental hygienists may work under the supervision of a single dentist.

Estimated economic impact.

## **Summary:**

The current version of this regulation greatly restricts the way in which dental services may be offered in Virginia. Under the current regulations, dental hygienists "shall engage in their ... duties only ... under the direction and control of the employing dentist ... The dentist shall be present and evaluate the patient during the time the patient is in the facility." In addition, a dentist may not supervise the work of more than two hygienists at the same time. These two requirements, by restricting the way that dental medicine may be practiced, tend to increase the cost and decrease the convenience of these essential services. Aside from the obvious loss to the public from financial and convenience costs, negative health consequences can be expected from such regulations. First, the higher the dollar cost of obtaining the services, the more people will decide to postpone or forgo dental services. This will lead to some reduction in the level of dental care purchased by the public. Second, convenience is a significant cost of obtaining dental services. The structure of these regulations greatly limits the flexibility that dentists and hygienists have in offering their services to the public. This will also tend to reduce the quantity demanded of dental services.

One may be able justify these restrictive regulations if not having them would lead to a greater harm to the public than the harm that is caused by the regulations themselves. In the case of dentistry regulations, one could make an argument for the rules if they protect the public from health hazards that would otherwise occur. However, these two regulatory restrictions are not justified by reason of protecting public health and safety. The board has not provided any evidence for a health and safety justification for these rules. Indeed, the Department of Health Professions indicated that these rules are not intended to protect public health, but rather are included in the regulations for "economic reasons" unrelated to health and safety. The reason given is that limiting the number of hygienists that one dentist can hire will help alleviate the hygienist shortage, which is particularly bad in southern Virginia. As we discuss later, it is more likely than not that, assuming a shortage exists, this limitation actually tends to make the shortage worse.

Consequently, we conclude that the parts of the existing regulation that restrict the structure of dental practice and that regulate the relationship between dentists and hygienists are not rationally designed to protect the public health and safety. In fact, they constitute a substantial detriment to Virginia's economy by maintaining an artificially high cost for dental services. This in turn results in a reduction in dental services actually demanded and, thus, these provisions are responsible for a cost to public health rather than a benefit.

Following direction from the General Assembly, the board is proposing to relax marginally the restriction that dental hygienists only provide their services under the direct supervision of a dentist. While this change will tend to reduce some of the negative consequences of these restrictive practice rules, it will only do so by a small amount relative to

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# Proposed Regulations

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the total benefit that is available. Overall, the new proposed regulation continues a set of practice restrictions that both increase costs and reduce the quantity consumed of dental care without providing any commensurate public health benefits.

## General supervision

Pursuant to Chapter 170 of the 2002 Acts of Assembly, the board proposes to allow some specified dental hygienist duties to be performed without the employing dentist present. Instead these activities would be conducted under "general supervision." General supervision is defined as when "the dentist has evaluated the patient and issued a written order for the specific, authorized services to be provided by a dental hygienist when the dentist is not present in the facility while the services are being provided." The only services that may be provided under general supervision are the most routine periodic cleaning and examination of teeth and other services well within the competence of dental hygienists. Hygienists have successfully provided these services for many years.

Enabling dental hygienists to provide services without a dentist present will allow the expansion of hygienist services at nursing homes, free clinics, and other locations. It will also enable private dental practices to offer more hours of hygienist services per week. As it stands now, a dentist can't step out of the office for a cup of coffee, even if the hygienists working for her are performing the most routine teeth-cleaning services.

The board has chosen to permit under general supervision only a limited set of activities: those it believes can be performed safely without a dentist present. In addition, the dentist must examine the patient at least every other visit with the hygienist. Hence, there is unlikely to be any significant increase in health and safety risks due to the introduction of general supervision. We conclude then that the introduction of general supervision provisions to these regulations will almost certainly create a net economic benefit.

Unfortunately, the benefit of this change is greatly attenuated by the continuing requirement that, under most circumstances, a dentist may supervise no more than two hygienists at a time. Incidentally, the board has made this restriction even tighter in the proposed permanent version of this regulation than it was in the emergency rule that this proposal is intended to replace.

## The two hygienist per dentist restriction

The Code of Virginia places no restriction on the number of dental hygienists that a dentist may supervise. Current regulations provide that dentists may supervise no more than two dental hygienists at a time.<sup>1</sup> The current proposal retains the restriction that dentists *in private practice* supervise no more than two dental hygienists, regardless of whether the hygienists are under direct supervision or general supervision. However, the board proposes to allow an unlimited number of dental hygienists to work under the general supervision of a single dentist at free clinics, in public health programs and in voluntary work.

The removal of the two-hygienists-per-dentist restriction for work in free clinics, in public health programs and in voluntary work should enable public health programs, free clinics, and other voluntary settings to provide additional dental hygiene services. This change will particularly benefit economically disadvantaged Virginians. Since the services provided by hygienists under general supervision are considered unlikely to produce additional health and safety risks when conducted without a dentist present (Liang and Ogur, 1987), the proposal to allow an unlimited number of dental hygienists to work under the general supervision of a single dentist at free clinics, in public health programs and in voluntary work should produce a net benefit.

Unfortunately, maintaining the two-hygienists-per-dentist limit for private dental practice perpetuates a rule that probably produces significant adverse economic effects for hygienists and purchasers of dental services including individual consumers, health insurance companies, and firms that provide health insurance for their employees (Liang and Ogur, 1987). According to the Department of Health Professions (department), the board set the two-hygienist limit for economic reasons, not health and safety.<sup>2</sup>

One reason given for this restriction is that it would be "unfair" for one dentist to hire more than two hygienists given the shortage of hygienists in the state. This argument is inconsistent with employment practices both inside and outside of the health professions in the United States. It is not considered unfair that hospitals should compete for nurses, doctors, or X-ray technicians. It is not generally thought to be unfair that construction firms must compete for skilled tradesmen. In fact, competition for skilled workers, especially those in short supply, is the primary mechanism for ensuring that a sufficient supply of these workers is available in the economy. This is true in the health professions as well as other types of businesses.

Another reason given by the board has to do with the effect of the hygienist shortage on the availability of dental care in the more rural portions of southern Virginia. Members of the board argued that placing this restriction on hygienists is needed to keep hygienists from leaving dental practices on the south side and moving to other more populous parts of the state.<sup>3</sup> While this justification may appear plausible at first, this costly policy probably makes worse the very problem that it is intended to solve.

Consider first the effect that this rule has on the supply of hygienists in Virginia. People enter the hygienist profession because they expect that this choice will provide them with the best combination of pay and job satisfaction relative to their other opportunities at the time. Besides pay, the attractiveness of the profession will certainly depend, among other things, on where that person will be able to get a job. For those considering dental hygiene as a profession who wish to live in

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<sup>1</sup> This restriction has been in place for about 20 years.

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<sup>2</sup> One member of the board has asserted that it is his opinion as a practicing dentist that supervising more than two hygienists would lead to a reduction in the quality of care. Otherwise, the board could present no evidence supporting this opinion. There is, however, good evidence that this is not true. See [Liang and Ogur, 1987].

<sup>3</sup> This argument is forcefully argued in the agency's response to this analysis.

southern Virginia the number of opportunities are very numerous, according to the board. However, for many people who might consider dental hygiene as a profession, southern Virginia may not be a preferred location.

For these people, the restriction imposed on the number of hygienists per dentist limits their opportunities in other parts of the state. Those preferring to live elsewhere will only practice in southern Virginia or in rural areas if there is a wage differential large enough to induce them to spend part of their professional practice time in those areas. For some fraction of those considering a dental hygiene practice, the lack of relevant opportunities in a preferred part of the state will induce them either to choose a different profession or choose a different state for their work. If we established a rule that newly trained dentists could only open their practice in southern Virginia, then presumably fewer people would choose to go to dental school.

The two-hygienist-per-dentist restriction can only lower the number of people who choose to enter the profession in Virginia. The restriction tends to exacerbate any shortage that may exist in southern Virginia and rural parts of the state, in general. It is conceptually possible that limiting job opportunities for hygienists in northern and central Virginia would cause more people to choose to locate in the southern part of the state or in rural areas generally. That this is not occurring to any great extent is obvious from the board's assertion of a continuing, and indeed worsening, shortage in southern Virginia. The people who choose to take dental hygiene training in spite of the restriction are not going to practice in southern Virginia or in rural areas unless the wage differential is sufficient to draw them there. Otherwise they will seek employment elsewhere in Virginia or in other states.

Further, this rule limits the flexibility of dentists in southern Virginia who would be willing to pay to bring more hygienists into the region. Once a dentist in, say, Danville has hired her two allowable hygienists, she would not be allowed to hire any more, even if she were willing and able to do so. This restriction works to limit hygienist opportunities in the very region suffering the greatest shortage.

Thus, we conclude that the two-hygienist-per-dentist restriction almost certainly worsens the shortage of hygienists both in southern Virginia and throughout the state. In other words, it makes worse the very problem that it is intended to fix.<sup>4</sup>

Further, there is good evidence that this restriction results in higher costs of dental care in Virginia and, consequently, a reduction in the quantity demanded of dental services especially among those with lower incomes and with less access to comprehensive health insurance. After a comprehensive review of the effects of restrictions on dental auxiliaries, a Federal Trade Commission (FTC) study concludes that restrictions on the number of auxiliaries per dentist increases the cost of care without providing any increase in the quality of care for those who still purchase it. Unfortunately, as the cost of care rises, some people,

especially those with lower incomes will chose to defer or eliminate expenditures on simple prophylactic care as well as other more complicated and expensive procedures (Liang and Ogur, 1987). These results are corroborated by other studies (Kleiner, 2000; DeVany et al., 1982). The restriction on dental auxiliary inputs to dental practices raises average costs, much of it due to overcapitalization of dental practices.

These increased costs represent a significant economic burden. The FTC study estimates that the increased costs resulting from restrictions on dental auxiliaries amounted to \$300 million (in 1986 dollars) each year from 1982 through 1985.<sup>5</sup> This additional cost produces no benefit to the public. The FTC study reviewed the literature on medical outcomes and restrictions on auxiliary services. The literature provides no support for the argument that these restrictions are needed to protect public health and safety. Dental outcomes were no different when hygienist services were carried out by a dentist or a hygienist. The board has not been able to produce any evidence to the contrary.

The board has expressed a grave concern about the shortage and maldistribution of hygienists in Virginia. And yet, the board's own regulations restrict the reciprocal licensing of dental hygienists licensed in other states. This is probably the single greatest factor in reducing the supply of hygienists in Virginia. The main certification exam for hygienists is a national certification test; that is, the test is the same for hygienists all across the country regardless of where they received their training. There is a portion of the test that requires a hygienist to make an in-person demonstration of skills, but the same is true in many (if not all) other states. At a minimum, a rule allowing the licensing by endorsement of hygienists from states with equivalent or stricter certification requirements could significantly increase the supply of hygienists in Virginia. As the board has pointed out,<sup>6</sup> many other states train more hygienists than Virginia. Allowing some of these hygienists to migrate easily into Virginia will make it easier for dentists to recruit them to practices in Virginia.

Limiting the flexibility of practice arrangements for dentists and hygienists results in negative economic consequences by keeping the cost of providing dental services artificially high. Part of these economic consequences includes a lower level of dental services demanded by the public.

The two-hygienists-per-dentist limit raises the cost of providing dental services in a number of ways. First, it constrains the potential supply of hygienist services to that which can be provided by two hygienists per dentist. Second, it forces dentists and hygienists to use inefficient business arrangements. Third, and probably most importantly, it restricts innovation in the provision of dental services.

Constraining the level of employment for hygienists will tend to keep the market price charged to consumers for dental hygienist services higher than it would be otherwise. It also results in longer waits for obtaining dental services. Relaxing

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<sup>4</sup> We will discuss later some approaches that might improve the supply of hygienists across the state.

<sup>5</sup> Not all of this loss is due to restrictions on the number of auxiliaries per dentist. Some were due to restrictions on hygienist functions; restrictions not justified by improved health outcomes.

<sup>6</sup> See the board's response to this analysis.

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this constraint would likely allow for more efficient use of existing office space, including rearranging the way office space is set up so that a greater supply of hygienist services can be made available.<sup>7</sup> It is reasonable to expect that, absent the hygienist constraint, dental offices could be reorganized to take advantage of different equipment and materials requirements between a hygienist workstation and a station where dentists provide the services that only they are qualified to provide.<sup>8</sup> More hygienists per dentist could reduce the equipment overhead for routine services (DeVany et al., 1982). Also, since dentists wages are much higher than wages for hygienists, requiring that there be only two hygienists per dentist greatly increases the dentist part of the overhead for routine services. Relaxing this constraint would make it possible to provide more routine dental cleaning and examination services with much lower overhead. Thus, the average cost per hygienist service provided would be lowered, and hygienist services could be profitably offered at a lower price. If the ratio limit were modified, then new private clinics may open with space and equipment designed for offering a greater ratio of hygienist services to other dental services than are currently offered.

There is a good reason to conclude that this rule also harms the hygienists themselves. It does so by constraining the demand for hygienists in Virginia. It is likely that there would be some instances in the private sector where operating with a ratio of more than two hygienists per dentist would be more profitable than operating at a ratio of two to one or less. Without the limit, there would most likely be greater demand (more positions to fill) for dental hygienists in the Commonwealth, and higher profitability would increase the value of hygienist services, which may be expected to result in somewhat higher wages. Higher wages for hygienists would encourage an increase in the number of hygienists entering the profession in Virginia either through migration from other states or through an increase in the number of Virginians choosing to be hygienists. The net result of this proposed rule is that, by reducing employment options for hygienists, this rule may also depress compensation for hygienists and exacerbate the shortage that the rule is intended to address.<sup>9</sup>

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<sup>7</sup> The board mischaracterizes this analysis as implying "that a hygiene mill could be set up." That said, available evidence suggests that an independent hygienist practice competing for business with the same services offered in a dentist office would probably improve public health while it may tend to lower the hourly wages of dentists. (Liang and Ojur, 1987; GAO, 1980; DeVany et al., 1982)

<sup>8</sup> The board asserts that this is not true, that "a dental unit is a dental unit." This statement is inconsistent with the obvious variation in dental units as between dental practices themselves. In addition, it strains credulity that there is no way to equip a station for hygienist care at lower cost than a station equipped for general dental care. The board's assertion shows a lack of understanding about how, once freed of inappropriate regulatory constraints, individuals may be able to find ways of improving the quality of service while, at the same time, reducing costs. Poorly designed regulatory constraints can eliminate incentives to improve service and productivity.

<sup>9</sup> The board has indicated that hygienist salaries are already very high. Of course, such an observation has no meaning without an assessment of what price would be required to draw more hygienists into the profession. The dental regulations themselves, by restricting licensure by endorsement, are probably responsible for much of any shortage that currently exists.

The ratio of licensed dental hygienists per licensed dentist is significantly lower in Virginia than for the nation overall.<sup>10</sup> For reasons given earlier, this is likely at least partially caused by the restriction on the number of hygienists that a dentist can supervise. The result of this low ratio will be in higher overhead (hence higher costs for services) and reduced demand for hygienists (hence lower wages than would be received without the restriction).

The emergency regulation being replaced by this proposed language allowed a dentist to supervise two hygienists under general supervision and two under direct supervision. The current version inexplicably tightens this restriction so that a dentist may only supervise two hygienists at a time, whatever the level of supervision. This change leads to what can only be termed an absurd result.

Suppose that a dentist leaves town. In this case, she can leave two dental hygienists behind doing routine exams under general supervision. According to the board, this is acceptable medical practice. However, suppose that this same dentist slips back into town under the cover of night and directly supervises the work of two other hygienists while the original two are still operating under general supervision. Are we to believe that the hygienists working under general supervision are somehow less safe because their supervising dentist is working on other patients but would in fact be working more safely if their supervising dentist were snorkeling in the Caymans?

This example clearly displays the inefficiency of the proposed rule. It restricts the form of practice thereby increasing costs without any commensurate gain in safety or effectiveness. In fact, it acts to reduce competition that can produce great benefits for consumers. With greater latitude to organize their practices in a way that minimizes costs, the most innovative hygienists and dentists will find new ways to provide these services that will improve the timeliness, convenience, and cost-effectiveness of services. Hygienists could set up their own shops and hire dentists to provide the supervision needed (if any) to protect public health and safety. Dentists may want to expand and set up branch offices in malls to draw new customers by providing walk-in routine exams as a way of competing for new customers. We cannot anticipate what sort of innovations may occur in the absence of the restrictions designed to prevent them. In such an environment, the board's regulations would concentrate on making sure that whatever arrangements do arise; they meet the acceptable

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<sup>10</sup> Nationally there are 164,664 professionally active dentists in the U.S (source: American Dental Association). According to the ADA, this includes dentists active in all settings, including private practice, for public agencies, at free clinics, as well faculty and even graduate students. According to the American Dental Hygienist Association, there are more than 120,000 licensed dental hygienists in the country. Thus it can be conservatively estimated that nationally the ratio of licensed dental hygienists to licensed dentists is 0.73 (= 164,664/120,000). This estimate is conservative for two reasons: 1) the figure for dentists probably exceeds the total number of licensees in the country since it includes faculty and graduate students, and 2) the number supplied by the American Dental Hygienist Association for licensed hygienists in the nation was "more than 120,000," implying that the actual number is substantially higher. Hence, the actual ratio of licensed hygienists to licensed dentists is most likely substantially higher. In Virginia the actual ratio of licensed hygienists (3,655) to licensed dentists (5,347) is 0.68 (source: Department of Health Professions).

minimum standards for public health and safety. The current proposal does not pass this test.

No one is required by law to go to the dentist. People go to the dentist because they perceive it to be in their own best interest to do so. It is worth considering whether people who wish to have their teeth cleaned by a hygienist should be required by regulation to go see a dentist. In fact, such a rule may result in a lower standard of dental care in the population by restricting the ability of lower income families to at least have their teeth cleaned even if they don't think that they can afford a dentist. Hygienists, by spotting potential problems, could actually encourage more people to see dentists before their dental health problems become more serious.

The board has expressed a concern that relaxing this rule will result in "hygiene mills." By this, we may assume that the board is inferring that having hygienists offer cleaning services to the public without the supervision of a dentist will compromise public health and safety. It is difficult to reconcile this concern with the board's own assertion that it is consistent with public health and safety for an unlimited number of hygienists to offer dental care under general supervision in a free clinic, or with the conclusion that two hygienists may offer services under general supervision in a private dental practice. The effect of this regulation is to limit competition among dentists and among providers of dental services generally. Such restrictions need to be based on sound scientific analysis of medical outcomes.

In fact, what evidence that does exist does not support the board's conclusion that practices with more than two hygienists will result in lower standards of care (Kaplan, 1980; General Accounting Office, 1980; Hammons and Jamison; and Sisty and Henderson, 1974). Data provided by the Virginia Dental Hygienists Association indicate that only eight other states have restrictions on the number of dental hygienists that a dentist can supervise. By raising prices of dental care, these restrictions will likely result in the uninsured and people with lower incomes to defer or eliminate some dental care expenditures.

In summary, the proposal to rescind the two-hygienists-per-dentist limit for general supervision services at free clinics, in public health programs and in voluntary work is beneficial in that it enables more hygienist services to be provided to economically disadvantaged Virginians. On the other hand, maintaining the two hygienists per dentist restriction for private practice unnecessarily limits job opportunities for dental hygienists, puts downward pressure on their salaries, reduces the total provision of hygienist services, and increases the per service cost of hygienist services to consumers.

Businesses and entities affected. The proposed amendments affect the 3,655 licensed dental hygienists, and 5,347 licensed dentists in the Commonwealth<sup>11</sup>, as well their patients, their patients' employers, and their patients' health insurers. Dental practices, public health programs, and free clinics are also affected.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposal to allow certain dental hygienist services to be performed when no dentist is present will enable more hygienist services to be provided per week. Thus, total employment hours for hygienist may increase. The elimination of the two hygienists per dentist limit for general supervision services at public health programs, free clinics, and other voluntary settings should increase hygienist employment at those venues.

Effects on the use and value of private property. As mentioned above, the proposal to allow certain dental hygienist services to be performed when no dentist is present will enable more hygienist services to be provided per week. Relaxing the restriction of no more than two hygienists per dentist will tend to increase competition among dentists and, hence, provide incentives for dentists to lower their costs. By increasing the demand for hygienists, the value of hygienist licenses in Virginia may rise. With an increased level of competition, the value of some dental practices will undoubtedly rise while the value of other practices will fall. The costs to insurance companies covering dental services would likely fall somewhat, increasing their profitability and possibly eventually resulting in lower costs for insurance premiums paid by individuals and employers. A further relaxation of the constraint on dental hygienists would generate significant savings to the public, to insurance companies, and to private businesses.

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<sup>11</sup> Figures provided to DPB by the Board of Dentistry staff.

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U.S. General Accounting Office. 1980. Increased Use of Expanded Function Dental Auxiliaries Would Benefit Consumers, Dentists, and Taxpayers. HRD-80-51.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Dentistry does not concur with the analysis of the Department of Planning and Budget (DPB) for amendments to 18 VAC 60-20 establishing provisions for general supervision of dental hygienists, as mandated by the Code of Virginia.

The economic impact analysis objected to the 2:1 ratio of dental hygienists to dentists set in regulation. (Current regulations provide that a dentist can only supervise two dental hygienists at any one time.) As such, DPB has based its rejection of these proposed amendments on a current regulation that has not been changed nor was it contemplated that it be changed with the passage of legislation for general supervision. In setting a limitation on the number of hygienists who may work for a dentist, the board has acted in accordance with a statutory mandate in § 54.1-2724 that states, "The Board shall determine by regulation how many dental hygienists may work at one time for a dentist." For the sake of the health and safety of patients and to encourage the access of hygiene services in all areas of the state, the board has set a ratio that is reasonable given the shortages and maldistribution of hygienists in the state.

Currently, there are 2,865 active dental hygienists and 4,041 dentists practicing in the Commonwealth; therefore, there is less than one hygienist per dentist. The number of dental hygienists per dentists is below the national average, and there is an acknowledged shortage of hygienists. Certainly, the availability of dental hygiene educational programs is a contributing factor. For example, the state of Georgia's ratio is significantly higher than Virginia's ratio due to the fact that they have 13 dental hygiene schools, while Virginia has only five. In addition, there is a distinct possibility that one of the hygiene schools in the Commonwealth may be closing due to the budget problems. If this occurs, the ratio of hygienists to dentists will only get worse.

The removal of the 2:1 restriction would particularly have an adverse effect on the dentists in the rural areas of the Commonwealth and exacerbate the maldistribution of dental services. By eliminating the restriction on the number of hygienists a dentist can employ, there would likely be a further shift in the limited number of hygienists practicing in the rural areas, which in turn could lead to a further decrease in the number of dentists that are willing to practice in rural areas.

The cost of dental services is a consistent theme in the economic impact analysis, but the conclusions drawn are, in the board's judgment, seriously flawed. Dental charges for an examination and cleaning in the Tidewater area are significantly higher than in Martinsville, Virginia. Therefore, two problems currently exist. A dentist who is lacking in hygiene services now has to concentrate more on preventative procedures than restorative dentistry. That increases the cost of restorative care to the citizens in the rural areas and makes it difficult for a dentist to maintain a patient's restorative dental needs. Secondly, trying to recruit hygienists to rural areas is becoming a major dilemma. The dentists in the rural areas cannot compete with the higher

salaries because they cannot charge the higher fees, so changing the ratio and allowing more hygienists to be attracted away from rural areas will only increase cost and decrease quality of care.

DPB's report comments on the innovation that could happen by allowing the removal of the restriction of the two-hygienists-per-dentist limit. The report states that "relaxing this constraint would likely allow for more efficient use of existing office space or to rearrange the way office space is set up so that a greater supply of hygienist services could be made available." There is an implication that a hygiene mill could be set up. The board unanimously expressed that such innovative thinking will lead to a lower standard of care, which is definitely not in the best interest of the public. There are a finite number of patients who can be seen by dentists for restorative care and for follow-up on observations by the hygienist. If the number of hygienists per dentist were increased, patient care would be jeopardized, as dentists would have less time per patient to attend to treatments that only a dentist can provide. The DPB report also inaccurately states that the equipment used by hygienists is different and less costly than that used by dentists, but in actuality equipment costs are the same. A dental unit is a dental unit with a fixed cost.

The report also mentioned adverse economic effects for the hygienist. The average salaries of hygienists in Virginia range from \$52,000 to \$72,800 depending on experience. One of the main reasons why salaries are high statewide is due to the extreme demand and need of hygienists in the Commonwealth. Some hygienists make more than surgical registered nurses make, even with only a two-year degree. In some areas, the higher salaries have actually contributed to the shortage problem. With the increased demand and higher salaries, some hygienists now choose to work part-time rather than full-time to balance family responsibilities with their profession. With salaries at \$50,000 and above, they can earn a respectable income even working part-time.

Finally, there is precedence in law for setting a ratio of one type of health care practitioner who is supervised by another. In § 54.1-2952 of the Code of Virginia the Code limits a physician to the supervision of two physician assistants at any one time. Section 54.1-2957.01 of the Code of Virginia limits the number of nurse practitioners with prescriptive authority that may be supervised and directed by a physician to four at any one time. Section 54.1-3320 of the Code of Virginia allows a pharmacist to exercise sole authority in determining the maximum number of pharmacy technicians that he can supervise, but limits that maximum to four.

The Department's EIA has incorrectly stated that "At a minimum, a rule allowing the licensing by endorsement of hygienists from states with equivalent or stricter certification requirements could significantly increase the supply of hygienists in Virginia." In fact, the board has licensed hygienists by endorsement for more than 15 years under regulations stated in 18 VAC 60-20-80. In the past five years, approximately 250 of the 1,000 dental hygienists licensed have been endorsed from other states.

After consideration of the economic impact analysis and further discussion with analysts from the Department, the

Board of Dentistry, at its meeting on January 10, 2003, voted unanimously to support the current regulation establishing a 2:1 ratio of dental hygienists to dentists and requests that DPB reconsider its analysis and approve the proposed regulations for general supervision as submitted.

## Summary:

*The proposed amendments define "general supervision" of dental hygienists, prescribe the number of hygienists who may work under general supervision at any one time with certain exceptions, set out the criteria for such practice, and determine the duties of a hygienist that may or may not be performed under general supervision. Dental hygiene services are limited to those ordered by a licensed dentist and rendered within a specific time period, not to exceed seven months.*

## **18 VAC 60-20-10. Definitions.**

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

*"Advertising"* means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products, or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

*"Analgesia"* means the diminution or elimination of pain in the conscious patient.

*"Approved schools"* means those dental schools, colleges, departments of universities or colleges, or schools of dental hygiene currently accredited by the Commission on Dental Accreditation of the American Dental Association.

*"Competent instructor"* means any person appointed to the faculty of a dental school, college or department or a university or a college who holds a license or teacher's license to practice dentistry or dental hygiene in the Commonwealth.

*"Conscious sedation"* means a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands, produced by a pharmacologic or nonpharmacologic method, or a combination thereof.

*"Dental assistant"* means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under this chapter but shall not include an individual serving in purely a secretarial or clerical capacity.

*"Direction"* means the presence of the dentist for the evaluation, observation, advice, and control over the performance of dental services.

*"General anesthesia"* means a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including inability to independently

maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method, or combination thereof.

*"General supervision"* means that the dentist has evaluated the patient and issued a written order for the specific, authorized services to be provided by a dental hygienist when the dentist is not present in the facility while the services are being provided.

*"Local anesthesia"* means the loss of sensation or pain in the oral cavity or its contiguous structures generally produced by a topically applied agent or injected agent without causing the loss of consciousness.

*"Monitoring general anesthesia and conscious sedation"* includes the following: recording and reporting of blood pressure, pulse, respiration, and other vital signs to the attending dentist during the conduct of these procedures and after the dentist has induced a patient and established a maintenance level.

*"Monitoring nitrous oxide oxygen inhalation analgesia"* means making the proper adjustments of nitrous oxide machines at the request of the dentist during the administration of the sedation, and observing the patient's vital signs.

*"Nitrous oxide oxygen inhalation analgesia"* means the utilization of nitrous oxide and oxygen to produce a state of reduced sensibility to pain designating particularly the relief of pain without the loss of consciousness.

*"Radiographs"* means intraoral and extraoral x-rays of the hard and soft oral structures to be used for purposes of diagnosis.

## **18 VAC 60-20-200. Employment of dental hygienists.**

No dentist shall ~~direct~~ have more than two dental hygienists practicing under direction or general supervision at one and the same time, with the exception that a dentist may issue a written order for services to be provided by a dental hygienist practicing under general supervision in a free clinic, a public health program, or on a voluntary basis.

## **18 VAC 60-20-210. Required Requirements for direction and general supervision.**

A. In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with this chapter and the Code of Virginia.

B. Dental hygienists ~~and assistants~~ shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency ~~and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility or when volunteering services as provided in 18 VAC 60-20-200.~~ Persons acting within the scope of a license issued to them by the board under § 54.1-2725 of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54.1-2722 of the Code of Virginia providing oral health education and

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preliminary dental screenings in any setting are exempt from this section.

*C. Duties delegated to a dental hygienist under direction shall only be performed when the dentist is present in the facility and available to evaluate the patient during the time services are being provided.*

*D. Duties that are delegated to a dental hygienist under general supervision shall only be performed if the following requirements are met:*

*1. The treatment to be provided shall be ordered by a dentist licensed in Virginia and shall be entered in writing in the record. The services noted on the original order shall be rendered within a specific time period, not to exceed seven months from the date the dentist last examined the patient. Upon expiration of the order, the dentist shall have evaluated the patient before writing a new order for treatment.*

*2. The dental hygienist shall consent in writing to providing services under general supervision.*

*3. The patient or a responsible adult shall be informed prior to the appointment that no dentist will be present, that no anesthesia can be administered, and that only those services prescribed by the dentist will be provided.*

*4. Written basic emergency procedures shall be established and in place, and the hygienist shall be capable of implementing those procedures.*

*E. General supervision shall not preclude the use of direction when, in the professional judgment of the dentist, such direction is necessary to meet the individual needs of the patient.*

## **18 VAC 60-20-220. Dental hygienists.**

*A. The following duties shall only be delegated to dental hygienists under direction with the dentist being present:*

*1. Scaling and root planing of natural and restored teeth using hand instruments, rotary instruments and ultrasonic devices under anesthesia administered by the dentist.*

~~*2. Polishing of natural and restored teeth using air polishers.*~~

~~*2. Performing an original or clinical initial examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.*~~

~~*3. Subgingival irrigation or subgingival application of Schedule VI medicinal agents in accordance with § 54.1-3408 of the Code of Virginia.*~~

~~*4. Duties appropriate to the education and experience of the dental hygienist and the practice of the supervising dentist, with the exception of those listed as nondelegable in 18 VAC 60-20-190.*~~

*B. The following duties shall only be delegated to dental hygienists and may be delegated by written order to be performed under general supervision without the dentist being present:*

*1. Scaling and root planing of natural and restored teeth using hand instruments, rotary instruments and ultrasonic devices without anesthesia.*

*2. Polishing of natural and restored teeth using air polishers.*

*3. Performing a clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for further evaluation and diagnosis by the dentist.*

*4. Duties appropriate to the education and experience of the dental hygienist and the practice of the supervising dentist, with the exception of those listed in subsection A of this section and those listed as nondelegable in 18 VAC 60-20-190.*

*C. Nothing in this section shall be interpreted so as to prevent a licensed dental hygienist from providing educational services, assessment, screening or data collection for the preparation of preliminary written records for evaluation by a licensed dentist.*

VA.R. Doc. No. R02-279; Filed January 29, 2003, 2:17 p.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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.

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF CONSERVATION AND RECREATION

**REGISTRAR'S NOTICE:** The Department of Conservation and Recreation is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Conservation and Recreation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 4 VAC 5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services (amending 4 VAC 5-36-90 and 4 VAC 5-36-100).

**Statutory Authority:** § 10.1-104 of the Code of Virginia.

**Effective Date:** March 27, 2003.

**Agency Contact:** Leon E. App, Deputy Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, or e-mail leonapp@dcr.state.va.us.

**Summary:**

*The amendments increase camping and cabin fees for Virginia state parks.*

#### 4 VAC 5-36-90. Camping fees.

CAMPING FEES (TAXABLE, Price here does not include tax)

Camping fees include free use of dump station and free swimming and boat launching for members of the camping party during their stay at the property, when and where available, except that at Kiptopeke State Park guest is subject to applicable launch fee unless the trailer is returned to the campsite immediately after launching. The number of campers per campsite is limited to six individuals except when all campers are members of the same household.

ALL SEASONS  
(Per site fees)

Standard Sites: No hookup; access to bathhouse and restrooms.

All parks with standard sites unless noted below.

~~\$13~~ \$14 per night

Chippokes Plantation, Hungry Mother, Grayson Highlands, Staunton River, Westmoreland, Occoneechee, Claytor Lake.

~~\$16~~ \$18 per night

Douthat, Kiptopeke, First Landing.

~~\$20~~ \$22 per night

Water and Electric Sites: Access to water and electric hookups; access to bathhouse and restrooms.

All parks where available unless noted below.

~~\$18~~ \$20 per night

Chippokes Plantation, Claytor Lake, Douthat, Fairy Stone, Grayson Highlands, Hungry Mother, Occoneechee, *Staunton River*, Westmoreland.

~~\$21~~ \$23 per night

Kiptopeke.

~~\$25~~ \$28 per night

Water, Electric, and Sewage Sites: Access to water, electric, and sewage hookups; access to bathhouse and restrooms.

~~\$28~~ \$31 per night

Primitive Camping Sites: primitive restrooms; no showers.

All parks where available unless noted below.

~~\$8.00~~ \$9.00 per night

Grayson Highlands (November, March, and April when bathhouses are closed), James River, Raymond R. "Andy" Guest Jr. Shenandoah River, ~~New River Trail (Foster Falls sites)~~.

~~\$40~~ \$11 per night

*New River Trail Primitive camping sites at Foster Falls and Cliffview*

~~\$13~~ per night

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## Horse Camping

Grayson Highlands Only: Campsite Fee.	\$46 \$18 per night
Horse Stall Fee: All horses must be in stalls.	<del>\$6.00</del> \$7.00 per night (Outside Stalls) <del>\$8.00</del> \$9.00 per night (Inside Stall)

Standard Group Camping: Unless otherwise noted, groups camping in the regular park campground pay the existing rate for sites in that campground. Standard Rates

Primitive Group Camp Rental (camping in special primitive group areas) All parks where available.

Up to 20 campers.	\$50 \$55 for entire area per night
Up to 30 campers.	\$75 \$83 for entire area per night
31 or more campers, up to maximum capacity of group camp area.	\$100 \$110 for entire area per night

Grayson Highlands: Primitive camping is available in the stable area November, March, and April.	\$40 \$11 per site per night
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## Special Group Camping Areas:

Fairy Stone Group Campsites.	\$46 \$18 per site per night
Twin Lakes, Cedar Crest Group Camping Area.	\$13 \$14 per site per night <del>\$157</del> \$173 entire area per night

Chippokes Plantation: All 4 Sites; Group Rate; 24 persons maximum.

Natural Tunnel Group Area: Only available as entire group area.

Grayson Highlands Group Area.

James River Group Area.

Shenandoah Group Area.

\$55 \$61 per night

Westmoreland Group Area.

\$100 \$110 per night

~~Westmoreland Standard Buddy Sites:~~ All parks where available unless noted below.

\$64 \$70 per night

Douthat Buddy Sites.

\$88 per night

James River Equestrian Group Area.

\$83 per night

## Camping – Other Fees

Pet Fees	\$3.00 per pet per night
Dump Station Fee: Free to state park campers during stay.	<del>\$5.00</del> \$6.00 per use
Camping Reservation Cancellation Fee.	\$10 per reservation
Hiker Shower Fee at Virginia State Parks along the Appalachian Trail.	\$5.00 per person

## Notes on camping:

1. Check-out time is 3 p.m. and check-in time is 4 p.m.
2. Camping Transfer/Cancellation/Early Departure Policy.
  - a. Any fees to be refunded are calculated less the applicable cancellation fee(s).
  - b. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.
  - c. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.
  - d. A customer may move a camping reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 4 p.m. on the scheduled date of arrival. If the reservation center will not

be open again prior to the start date of the reservation, transferring is not an option. There is no fee to transfer.

e. A camping reservation may be canceled until 4 p.m. on the scheduled date of arrival but campers will be charged the cancellation fee. This cancellation fee applies to each separate reservation made.

f. Once the 4 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure.

g. After the check-in time is reached, the first night is considered used whether the site is occupied or not.

h. There is a one-night penalty, deducted from any amount available for refund, for early departure.

3. Campers are allowed two vehicles per campsite per day without charge of parking fee. Additional vehicles, beyond

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two, must pay the prevailing parking fee in effect at the park for each day that the vehicle(s) is parked in the park. The number of vehicles allowed to park on the campsite varies according to site design and size of other camping equipment. No vehicles shall park on a campsite in other than the designated area for this purpose. Camper vehicles that do not fit on the site, whether or not they require the special camper vehicle fee, must park in the designated overflow parking area.

4. Each member of the camping party, up to the maximum allowable per site, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of camping. *Passes only issued during days and seasons*

*of operation of the swimming facility and only good during the members registered stay.*

5. Damage to campsites, not considered normal wear and tear, will be billed to the person registered for the campsite on an itemized cost basis.

6. At honor collection sites, the stated camping fees on this list shall be considered as having tax included. Honor collection is defined as the payment of the camping fee on-site at the park at a nonelectronic collection point at which the payment is placed in a box or safe provided for that purpose.

## 4 VAC 5-36-100. Cabin fees.

CABIN RENTALS (TAXABLE, Price here does not include tax)

### Prime Season Cabin and Lodge Rates

Cabin/Lodge Type	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Efficiency	\$69 \$76	\$414 \$455	\$62 \$68	\$372 \$409
One Bedroom, Standard	\$84 \$89	\$485 \$534	\$73 \$80	\$436 \$480
One Bedroom, Waterfront or Water View	\$89 \$98	\$537 \$591	\$80 \$88	\$480 \$528
One Bedroom, Chippokes Plantation	\$94 \$103	\$565 \$622	\$85 \$94	\$509 \$560
Two Bedroom, Standard	\$93 \$102	\$564 \$617	\$84 \$92	\$505 \$556
Two Bedroom, Waterfront or Water View	\$103 \$113	\$617 \$679	\$93 \$102	\$555 \$611
Two Bedroom, First Landing, Chippokes Plantation	\$109 \$120	\$652 \$717	\$98 \$108	\$587 \$646
Three Bedroom, Standard	\$106 \$117	\$635 \$699	\$95 \$105	\$574 \$628
Three Bedroom, Chippokes Plantation	\$123 \$135	\$740 \$814	\$114 \$122	\$666 \$733
<del>Mistletoe Hill</del> Lodge (Twin Lakes)	\$151	\$909	\$136	\$818
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat)	\$248 \$273	\$1,485 \$1,634	\$223 \$245	\$1,337 \$1,471
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland), Belle Air Mansion (Belle Isle)	\$292 \$321	\$1,752 \$1,927	\$263 \$289	\$1,577 \$1,735
Belle Air Guest House (Belle Isle)	\$123 \$135	\$740 \$814	\$114 \$122	\$666 \$733
Belle Isle: Mansion and Guest House (combined)	\$374 \$411	\$2,243 \$2,467	\$337 \$371	\$2,049 \$2,221

### Mid-Season Cabin and Lodge Rates

Cabin/Lodge Type	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Efficiency	\$64 \$67	\$368 \$405	\$55 \$61	\$334 \$364
One Bedroom, Standard	\$72 \$79	\$434 \$474	\$65 \$72	\$388 \$427
One Bedroom, Waterfront or Water View	\$79 \$87	\$474 \$521	\$74 \$78	\$427 \$470
One Bedroom, Chippokes Plantation	\$75 \$83	\$452 \$497	\$68 \$75	\$407 \$448
Two Bedroom, Standard	\$83 \$91	\$499 \$549	\$75 \$83	\$449 \$494
Two Bedroom, Waterfront or Water View	\$92 \$101	\$549 \$604	\$82 \$90	\$494 \$543
Two Bedroom, First Landing, Chippokes Plantation	\$87 \$96	\$522 \$574	\$78 \$86	\$469 \$516
Three Bedroom, Standard	\$94 \$103	\$565 \$622	\$85 \$94	\$509 \$560
Three Bedroom, Chippokes Plantation	\$99 \$109	\$592 \$651	\$89 \$98	\$533 \$586
<del>Mistletoe Hill</del> Lodge (Twin Lakes)	\$135	\$809	\$121	\$728
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat)	\$220 \$242	\$1,322 \$1,454	\$198 \$218	\$1,189 \$1,308
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland), Belle Air Mansion (Belle Isle)	\$260 \$286	\$1,560 \$1,716	\$234 \$257	\$1,404 \$1,544

### Off-Season Cabin and Lodge Rates

Cabin/Lodge Type	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Efficiency	\$54 \$56	\$306 \$337	\$46 \$51	\$276 \$304
One Bedroom, Standard	\$60 \$66	\$359 \$395	\$54 \$59	\$323 \$355
One Bedroom, Waterfront or Water View	\$66 \$73	\$394 \$433	\$59 \$65	\$365 \$391
One Bedroom, Chippokes Plantation	\$57 \$63	\$339 \$373	\$54 \$56	\$305 \$336
Two Bedroom, Standard	\$69 \$76	\$415 \$457	\$62 \$68	\$374 \$411
Two Bedroom, Waterfront or Water View	\$76 \$84	\$457 \$503	\$68 \$75	\$414 \$452

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Two Bedroom, First Landing, Chippokes Plantation	\$65 \$72	\$394 \$430	\$59 \$65	\$352 \$387
Three Bedroom, Standard	\$78 \$86	\$470 \$517	\$70 \$77	\$423 \$465
Three Bedroom, Chippokes Plantation	\$74 \$81	\$444 \$488	\$67 \$74	\$400 \$440
Mistletoe Hill Lodge (Twin Lakes)	\$112	\$672	\$101	\$605
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat)	\$183 \$201	\$1,099 \$1,209	\$165 \$182	\$989 \$1,088
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$216 \$238	\$1,297 \$1,427	\$195 \$215	\$1,167 \$1,284

**Camping Cabins, Yurts, and Travel Trailers** (cabins, yurts, and travel trailers located in campgrounds and operated in conjunction with the campground)

	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Camping Cabin rental rate: (2-night minimum rental required)	\$45 \$50	NA	\$40 \$44	NA
Yurt rental: Standard fee	\$84 \$89	\$485 \$534	\$73 \$80	\$436 \$480
Travel Trailers: 25-30' Standard fee	\$84 \$89	\$485 \$534	\$73 \$80	\$436 \$480

**Additional Cabin Fees:**

Additional Bed Rentals	\$3.00 per rental night			
Additional linens	\$6.00 per bed set			
Cabin Cancellation Fee	\$20 per cancellation period: See note 6 and 7 in the Cabin Transfer/Cancellation/Early Departure Policy Note.			
Pet Fee	\$5.00 per night			
Pocahontas Group Cabins		DAY		WEEK
Dining Hall: When rented alone; 8 a.m. to 10 p.m.		\$200		NA
Dining Hall: When rented with a minimum of two cabins.		\$100		\$500

Cabin Units: per night – two units minimum in ecology camp.

One Unit – Capacity: 28	<del>\$80</del> \$88	\$400 \$440
Two Units – Capacity: 56	<del>\$130</del> \$143	<del>\$650</del> \$715
Three Units – Capacity: 84	<del>\$170</del> \$187	<del>\$850</del> \$935
Four Units – Capacity: 112	<del>\$200</del> \$220	<del>\$1,000</del> \$1,100
Complete Camp (Ecology Camp)	<del>\$300</del> \$330	<del>\$1,500</del> \$1,650
Complete Camp (Group Camp #3)	<del>\$230</del> \$253	<del>\$1,150</del> \$1,265

Refundable security deposit charged for all reservations \$100 per reservation

**Notes on Pocahontas Group Cabins:**

Pocahontas Group Cabins: Reservations of more than \$200 require a 25% prepayment, due within 14 days of making the reservation, to hold a reservation. Balance of fees is due 60 days prior to the reservation start date. Reservations of less than \$200 require payment in full to confirm the reservation.

**Notes on cabins:**

1. Seasonal cabin rates shall be in effect according to the following schedule, except for camping cabins, yurts, and travel trailers, which operate on the same schedule and season as the campground at that particular park. Any weekly rental that includes a day that falls within the prime season shall be charged at the prime season weekly rate. Any weekly rental that includes a day that falls within the mid-season shall be charged at the mid-season weekly rate.

PARK	PRIME SEASON	MID-SEASON	OFF-SEASON
Belle Isle	Year-round	None	None
Chippokes Plantation	Friday night prior to Memorial Day through Sunday night prior to Labor Day	March 1 through the Thursday night prior to Memorial Day, and October 1 through December 31	January 1 through the last day of February, and Labor Day night through September 30
Claytor Lake, Fairy Stone, First Landing, Hungry Mother, Smith Mountain Lake, Westmoreland	Friday night prior to Memorial Day through the Sunday night prior to Labor Day	April 1 through the Thursday night prior to Memorial Day, and Labor Day through November 30	December 1 through March 31

Douthat	Friday night prior to Memorial Day through the Sunday night prior to Labor Day, and October 1 through October 31	April 1 through the Thursday night prior to Memorial Day, and Labor Day through September 30, and November 1 through December 31	January 1 through March 31
Staunton River	Friday night prior to Memorial Day through the Sunday night prior to Labor Day	April 1 through the Thursday night prior to Memorial Day, and October 1 through October 31	November 1 through March 31, and Labor Day night through September 30
Twin Lakes	Friday, Saturday, and Sunday nights of Memorial Day weekend, and Labor Day weekend	Memorial Day night through the Thursday night prior to Labor Day	Labor Day night through the Thursday night prior to Memorial Day

2. All dates refer to the night of the stay; check-out time is 10 a.m. and check-in time is 3 p.m.

3. The following holiday periods are charged prime season weekend rates: the Wednesday, Thursday, Friday, and Saturday period that includes Thanksgiving Day; and Christmas Eve and Christmas Day; and New Year's Eve and New Year's Day.

4. Cabin guests are allowed two vehicles per cabin per day without charge of parking fee. Additional vehicles must pay the prevailing parking fee for each day that the vehicle is parked in the park. The number of vehicles allowed to park at the cabin varies according to site design and other factors. All vehicles must park in designated parking areas, either at the cabin or in the designated overflow parking area.

5. Lodge guests are allowed six vehicles per lodge per day without charge of parking fee. Additional vehicles must pay the prevailing vehicle parking fee for each day the vehicle is parked in the park. The number of vehicles allowed to park at the lodge varies according to site design and other factors. All vehicles must park in designated parking areas, either at the lodge or in the designated overflow parking area.

6. Damage to cabins, not considered normal wear and tear, may be billed to the person registered for the cabin on an itemized cost basis.

*7. Each member of the cabin rental party, up to the maximum allowable for the rented unit, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of rental. Passes are only issued during days and seasons of operation of the swimming facility and are only good during the member's registered stay.*

4. A customer may move a cabin reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to the official check-in time on the scheduled date of arrival.

5. If the reservation center will not be open again prior to the start of the reservation, transferring is not an option. If the transfer is not for the same number of nights, the cancellation policy may apply. Otherwise, there is no fee to transfer.

6. Once the reservation is paid for, a customer may cancel in full with payment of the required \$20 cancellation fee if there are more than 30 days before the scheduled arrival date. As long as the reservation is not during the one-week minimum stay requirement period, the length of stay may be reduced without a fee as long as there are more than 30 days before the scheduled arrival. However, the length of stay cannot be less than two nights. During the 30 days prior to the scheduled arrival date, the \$20 cancellation fee is charged for each night cancelled or reduced from the stay. Once the official check-in time on the scheduled arrival date is reached, the cancellation policy is no longer in effect and the early departure policy applies.

7. Once the 3 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure. There is a two night minimum charge associated with all cabin stays. Reducing the total nights stayed will incur a \$20 per night fee. If the original reservation was for a week, the weekly discount will no longer be valid and the fee will be adjusted to the nightly rate before any refunds are calculated.

VA.R. Doc. No. R03-124; Filed February 3, 2003, 9:17 a.m.

**NOTES ON CABIN TRANSFER/CANCELLATION/EARLY DEPARTURE POLICY:**

1. Any fees to be refunded are calculated less the applicable cancellation fees listed below.
2. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.
3. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.

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# Final Regulations

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## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

**Title of Regulation:** 8 VAC 20-440. Regulations Governing the Employment of Professional Personnel (amending 8 VAC 20-440-10, 8 VAC 20-440-90, 8 VAC 20-440-110, 8 VAC 20-440-120, 8 VAC 20-440-140, 8 VAC 20-440-150, [ and ] 8 VAC 20-440-160 [ , and Appendices A and B ] ).

**Statutory Authority:** §§ 22.1-16 and 22.1-302 of the Code of Virginia.

**Effective Date:** March 28, 2003.

**Agency Contact:** Patty Pitts, Director of Teacher Licensure, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2471, FAX (804) 225-2524 or e-mail ppitts@mail.vak12ed.edu.

**Summary:**

*The amendments (i) conform the regulation with provisions in § 22.1-302 of the Code of Virginia that require school boards to provide separate written contracts for teachers responsible for an extracurricular activity sponsorships; (ii) conform the regulation with amendments to § 22.1-303 of the Code of Virginia that require teachers hired after July 1, 2001, to successfully complete training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments; (iii) clarify beginning and ending dates for each phase of the three-phase employment process for any school division permitted by § 22.1-304 of the Code of Virginia to extend the written notice of noncontinuation of contract to May 15; (iv) allow school boards to take actions for breach of contract other than requesting a suspension of license; and (v) provide that the board may require a written report or an appearance of an appropriate representative when a petition for breach is filed, or both. Since the proposed, changes were made to clarify end dates and to conform contract language to the changes made in the chapter.*

**Summary of Public Comment and Agency 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.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 18:21 VA.R. 2717-2720 July 1, 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.

**8 VAC 20-440-10. [ No change from proposed. ]**

**8 VAC 20-440-90. [ No change from proposed. ]**

**8 VAC 20-440-110. [ No change from proposed. ]**

**8 VAC 20-440-120. [ No change from proposed. ]**

**8 VAC 20-440-140. Phase One of the three-phase employment process.**

A. Phase One covers employment sought for the next school year and covers the period from the beginning of the current school year to the close of business on April 14 of the current school year [ , unless otherwise provided by § 22.1-304 of the Code of Virginia ]. The end of the phase on April 14 corresponds to the provisions of § 22.1-304 of the Code of Virginia allowing written notice of noncontinuation of contract by April 15. If April 14 ends on a Saturday, Sunday, or legal holiday, the end of Phase One will be the last administrative working day prior to the Saturday, Sunday, or legal holiday. [ ~~For any school division permitted by § 22.1-304 of the Code of Virginia to extend the written notice of noncontinuation of contract to May 15, the end of Phase One is May 14, or if May 14 is on a Saturday, Sunday, or legal holiday, the last administrative working day prior to May 14. ]~~

B. During Phase One, a teacher may apply and be interviewed for employment for the next school year in other school divisions without notice to or permission from the division where he is currently employed.

C. During Phase One, a teacher accepting employment in another division for the next school year must resign by giving written notice to the current employer. The notice should specify that the resignation is applicable for the next school year only.

**8 VAC 20-440-150. Phase Two of the three-phase employment process.**

A. Phase Two begins on April 15 and ends on May 31 or the date the teacher contract is final, whichever is later [ , unless otherwise provided by § 22.1-304 of the Code of Virginia ]. [ ~~For any school division permitted by § 22.1-304 of the Code of Virginia to extend the written notice of noncontinuation of contract to May 15, Phase Two begins on May 15 and ends on June 30 or the date the teacher contract is final, whichever is later. ]~~ The contract is final when the date of signature and, at a minimum, the salary terms are finally known.

B. During Phase Two, teachers, whether probationary or continuing contract, may seek employment and file applications for the next school year with other school divisions. Teachers may seek employment during this phase without notification to the current employer.

C. During Phase Two, the prospective employer may offer a contract without proof of release from contract from the current employer. The teacher must obtain a written release from the contract with the current employer prior to signing a contract with the prospective employer. Releases should be liberally granted during this phase.

**8 VAC 20-440-160. Phase Three of the three-phase employment process.**

A. Phase Three begins on June 1 or the date the salary is finally set by the local school board, whichever occurs later. [ ~~For any school division permitted by § 22.1-304 of the Code of Virginia to extend the written notice of noncontinuation of contract to May 15, Phase Three begins on July 1 or the date the salary is finally set by the local school board, whichever~~

~~occurs later.~~] In Phase Three, the contract is a firm and binding obligation on the teacher and the school division.

B. During Phase Three, teachers may seek employment and file applications for the next school year with other school divisions; however, a prospective employer should not offer a contract to any teacher during Phase Three until the teacher has secured a written release from the contract with the current employer, and a teacher should not accept a contract until a written release has been secured.

C. A current employer, at its discretion, may release a teacher from the contract. The employer should release teachers for good cause.

D. Good cause is determined by the local school board. It should reflect a consideration of all the factors affecting both the employee and the school board. Factors in determining good cause may include the employee's reason for leaving, contractual terms and agreements, and the overall effect of the resignation on the employee and the school division.

E. In the event that a local board declines to grant a request for release from a contract on the grounds of insufficient or unjustifiable cause, and the teacher breaches ~~or expresses an intent to breach~~ the contract, the current employer may, ~~within 30 days of the breach, file pursue remedies prescribed by the Board of Education or other remedies consistent with law or contract. Such remedies could include filing a petition with the Board of Education setting forth all the facts in the case and requesting that the teacher's license be suspended for the next school year or apply applying~~ other remedies appropriate under law or contract.

*F. If the Board of Education receives a petition from a local school board for action on the license of a teacher who has breached the present contract by accepting a contract with another school board within the Commonwealth, the Board of Education may require a full written report or request an appropriate representative from the hiring school board to appear before the Board of Education to explain the circumstances that led to the hiring decision, or both, before the Board considers any petition for action on the license of such teacher.*

[ APPENDIX A.  
CONTRACT FORMS.

ANNUAL FORM - CONTRACT WITH PROFESSIONAL  
PERSONNEL

THIS ARTICLE OF AGREEMENT, between the SCHOOL BOARD OF \_\_\_\_\_ Commonwealth of Virginia, ("School Board") and \_\_\_\_\_ ("Employee"). The School Board agrees to employ and the employee agrees to accept such employment in the position of \_\_\_\_\_ (administrator, supervisor, principal, teacher, librarian or other instructional staff) subject to the authority of the School Board, under the supervision and direction of the division superintendent of schools, and agrees to the following conditions:

1. The employee: (check one)

\_\_\_\_ holds a valid Virginia license issued by the Board of Education

\_\_\_\_ has completed the requirements and has filed a complete application for a Virginia license

\_\_\_\_ is eligible for a Virginia license and will file a complete application within 90 days of employment.

2. The services to be performed hereunder shall begin on \_\_\_\_\_, 1920\_\_\_\_, and continue thereafter as prescribed by the school board.

3. The employee shall perform such pertinent duties during the period of this contract as are deemed necessary by the school board and superintendent for the efficient and successful operation of the school system.

4. The employee shall comply with all school laws, Board of Education regulations, and all regulations made by the school board in accordance with law and Board of Education regulations, and shall make promptly and accurately all reports required by the division superintendent of schools.

5. The employee agrees to abide by the provisions of the Constitution of Virginia and the Constitution of the United States.

6. The division superintendent shall have authority to assign employees to their respective positions in the school wherein they have been placed by the school board and may, with the approval of the school board, reassign any employee to any school within the division during the term of this contract; provided no change or reassignment shall adversely affect the salary of the employee under this contract.

7. The reassignments of administrative or supervisory personnel to a teaching position shall be in accordance with Section 22.1-294 of the Code of Virginia (1950), as amended.

8. Before the superintendent recommends to the school board the nonrenewal of the contract of an employee who has not achieved continuing contract status, the superintendent shall notify the employee of the proposed recommendation in accordance with Section 22.1-304 of the Code.

9. The school board, upon recommendation of the division superintendent, reserves the right to dismiss, suspend, or place on probation the employee, paying for services rendered in accordance with this agreement to date of dismissal.

10. In case schools are closed temporarily as a result of an epidemic or for other necessary cause, the said board may require such loss of time to be made up within the school term or may extend the school term.

11. This contract shall not operate to prevent discontinuance of employment as provided or allowed by law.

12. The employee may request that the school board release the employee from the terms of this contract by giving the school board two weeks notice in writing and setting forth therein the reason considered just cause for resignation. In the event the school board declines to grant

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the request for release *from the contract on the grounds of insufficient or unjustifiable cause*, and the employee breaches the contract, the school board may pursue remedies prescribed by the Board of Education or ~~as described elsewhere in this contract~~ *other remedies consistent with law or contract.*

13. The school board agrees to pay employee for the duration of this contract \_\_\_\_\_, payable:

(a) in \_\_\_ installments for services rendered, payable by the first day of each calendar month or as soon thereafter as possible.

or

(b) in accordance with schedule under "Special Covenants."

14. The school board shall not be obligated to the salary terms above unless and until sufficient funds are provided to fulfill the obligations of the school board by the appropriating body; provided, further, that the school board shall give the employee written notice of such approval or disapproval, as the case may be, within seven (7) days of such action.

15. In the event this contract is terminated by mutual consent prior to the end of the contract period, payment will be made for service rendered on a daily basis to be determined by dividing the salary stipulated in this contract by the number of days officially covered under the provisions of this contract.

16. The school board shall deduct monthly from the salary due the employee the computed amount due the Virginia Retirement System (including State-supported group insurance), and applicable state and federal statutes.

17. SPECIAL COVENANTS:

This contract shall at all times be subject to any and all laws, regulations, and policies existing during the term of the contract relating to conditions of employment such as leave, salaries, and length of school terms. Failure of the employee to fulfill this contract shall constitute sufficient grounds for the termination of the contract by the school board.

The parties agree to the terms of this contract effective this \_\_\_\_\_ day of \_\_\_\_\_ 1920\_\_

\_\_\_\_\_  
(~~L.S.~~ Signature)  
Chairman of the Board

\_\_\_\_\_  
(~~L.S.~~ Signature)  
Clerk of the Board

\_\_\_\_\_  
(Signature)  
Division Superintendent

\_\_\_\_\_  
(~~L.S.~~ Signature)  
Employee

## CONTINUING FORM CONTRACT WITH PROFESSIONAL PERSONNEL

State law provides for continuing contracts with local school boards for members of the instructional staff who are qualified by the terms of said law, and/or regulations of the Board of Education; therefore, this article of agreement, between the school board of \_\_\_\_\_ (county, city, or town) Commonwealth of Virginia, (the "School Board"), and \_\_\_\_\_ ("Employee").

The school board agrees to employ and the employee agrees to accept such employment in the position of \_\_\_\_\_ (administrator, supervisor, principal, teacher, librarian or other instructional staff) subject to the authority of the school board, under the supervision and direction of the division superintendent of schools, and agrees to the following conditions:

1. The employee agrees to abide by the provisions of the Constitution of Virginia and the Constitution of the United States.

2. The services to be performed hereunder shall begin on \_\_\_\_\_, 1920\_\_, and continue thereafter as prescribed by the school board.

3. During the term of this contract, the school board agrees to pay the employee an annual salary consistent with provisions of state law, plus any additional salary, but not less than the local scale, as may be determined by the school board in the local salary schedule as duly adopted from time to time; provided, however, that the school board shall not be obligated hereunder unless and until sufficient funds to meet the obligations of the school board hereunder have been approved by the appropriating body; provided, further, that the school board shall give the employee written notice of such approval or disapproval, as the case may be, within seven (7) days of such action.

4. The employee accepts this appointment and agrees to perform such pertinent duties during the period of this contract as are deemed necessary by the school board and superintendent for the efficient and successful operation of the school system.

5. The division superintendent shall have authority to assign employees to their respective positions in the school wherein they have been placed by the school board, and may, with the approval of the school board, reassign any employee to any school within the division during the term of this contract; provided no change or reassignment shall adversely affect the salary of the employee under this contract.

6. The reassignments of administrative or supervisory personnel to a teaching position shall be in accordance with Section 22.1-294 of the Code of Virginia (1950), as amended.

7. The employee shall comply with all school laws, Board of Education regulations, and all rules and regulations made by the school board in accordance with law and Board of Education regulations, and shall make promptly and accurately all reports required by the division superintendent of schools.

8. The length of the school term and the annual period of service shall be fixed by the school board in accordance with law.

\_\_\_\_\_(L.S. Signature)  
Chairman of the Board

9. This contract of employment shall remain in full force and effect from year to year, subject to all the provisions herein set forth, unless modified by mutual consent in writing by the parties to this contract. The employee may be dismissed, suspended, or placed on probation as provided by law. The school board, upon recommendation of the division superintendent, reserves the right to dismiss, suspend, or place on probation the employee, paying for service rendered in accordance with this agreement to date of dismissal. In case schools are closed temporarily as a result of an epidemic or for other necessary cause, the school board may require such loss of time to be made up within the school term or may extend the school term. In the event this contract is terminated, payment will be made for services actually rendered on a daily rate basis.

\_\_\_\_\_(L.S. Signature)  
Clerk of the Board

\_\_\_\_\_(Signature)  
Division Superintendent

\_\_\_\_\_(L.S. Signature)  
Employee

10. This contract shall not operate to prevent discontinuance of a position as provided by law.

ATHLETIC COACHING CONTRACT WITH SCHOOL PERSONNEL

11. *The employee may request that the school board release the employee from the terms of this contract by giving the school board two weeks notice in writing and setting forth therein the reason considered just cause for resignation. In the event the school board declines to grant the request for release from the contract on the grounds of insufficient or unjustifiable cause and the employee breaches the contract, the school board may pursue remedies prescribed by the Board of Education or other remedies consistent with law or contract.*

AGREEMENT, between the SCHOOL BOARD OF \_\_\_\_\_ (county, city, or town) ("School Board") and \_\_\_\_\_ ("Coach").

The school board and the coach agree that the coach will perform the following athletic coaching assignment \_\_\_\_\_ (football, basketball, baseball, track, or other specified athletic activity) subject to the authority of the School Board, under the supervision and direction of the superintendent or designee, subject to the Code of Virginia and subject to the following conditions:

~~12.~~ 12. This contract shall be null and void and of no further force or effect and be terminated if, at any point during the term of this contract, the employee does not hold a valid license, as defined in regulations of the Board of Education.

1. The coach shall perform such pertinent duties during the period of this assignment as are deemed necessary by the school board and the superintendent or designee for the successful and efficient operation of the school system.

~~13.~~ 13. The employee may be granted a leave of absence as provided by law, Board of Education regulations, and/or the policies of the local school board.

2. The coach shall comply with all applicable law, Virginia Board of Education regulations, school board policies, and regulations of the superintendent now or hereafter in effect.

~~14.~~ 14. The school board, shall deduct monthly from the salary due the employee the computed amount due the Virginia Supplemental Retirement system (including State-supported group insurance), and other applicable state and federal statutes.

3. This agreement may be terminated by either party with or without cause by providing reasonable notice in writing to the other party. Such reasonable notice may be set forth in the Special Covenants below.

~~15.~~ 15. SPECIAL COVENANTS:

4. The school board agrees to pay the coach \$\_\_\_\_\_ as monetary compensation for the duration of this agreement, payable in accordance with established payroll procedures. The coach agrees and acknowledges that this employment does not qualify as service toward continuing contract eligibility, does not constitute teaching experience, and does not create any rights of any type in favor of the coach other than the compensation referred to herein.

This contract shall at all times be subject to any and all laws, regulations, and policies now existing or enacted during the term of the contract relating to conditions of employment such as leave, salaries, and length of school terms. Failure of the employee to fulfill this contract shall constitute sufficient grounds for the termination of the contract by the school board.

5. This agreement is for an athletic coaching assignment from \_\_\_\_\_ (month/day), 4920\_\_ - to \_\_\_\_\_ (month/day), 4920\_\_, commencing \_\_\_\_\_ (month/day), 4920\_\_.

The parties agree to the terms of this contract effective this \_\_\_\_\_ day of \_\_\_\_\_ 4920\_\_

6. The school board shall deduct from the monetary compensation all deductions required by law.

7. Termination of this agreement by either party shall not, in itself, constitute cause for termination of any separate teaching contract between the coach and the school board.

8. SPECIAL COVENANTS:

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The parties agree to the terms of this contract effective this \_\_\_\_\_ day of \_\_\_\_\_, 1920\_\_

\_\_\_\_\_(~~L.S.~~ Signature)  
Chairman of the Board

\_\_\_\_\_(~~L.S.~~ Signature)  
Clerk of the Board

\_\_\_\_\_(Signature)  
Division Superintendent

\_\_\_\_\_(~~L.S.~~ Signature)  
Coach

## EXTRACURRICULAR ACTIVITY SPONSORSHIP CONTRACT WITH SCHOOL PERSONNEL

AGREEMENT, between the SCHOOL BOARD OF \_\_\_\_\_ (county, city, or town) ("School Board") and \_\_\_\_\_ ("Employee").

The school board and the employee agree that the employee will perform the following extracurricular activity sponsorship assignment subject to the authority of the school board, under the supervision and direction of the superintendent or designee, subject to the Code of Virginia and subject to the following conditions:

1. "Extracurricular sponsorship" means an assignment for which a monetary supplement is received, requiring responsibility for any student organizations, clubs, or groups, such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

2. The employee shall perform such pertinent duties during the period of this assignment as are deemed necessary by the school board and the superintendent or designee for the successful and efficient operation of the school system.

3. The employee shall comply with all applicable law, Virginia Board of Education regulations, school board policies, and regulations of the superintendent now or hereafter in effect.

4. This agreement may be terminated by either party with or without cause by providing reasonable notice in writing to the other party. Such reasonable notice may be set forth in the Special Covenants below.

5. The school board agrees to pay the employee \$\_\_\_\_\_ as monetary compensation for the duration of this agreement, payable in accordance with established payroll procedures. The employee agrees and acknowledges that this employment does not qualify as service toward continuing contract eligibility, does not constitute teaching experience, and does not create any rights of any type in favor of the coach other than the compensation referred to herein.

6. This agreement is for an extracurricular activity sponsorship assignment from \_\_\_\_\_ (month/day), 20\_\_ - to \_\_\_\_\_ (month/day), 20\_\_, commencing \_\_\_\_\_ (month/day), 20\_\_.

7. The school board shall deduct from the monetary compensation all deductions required by law.

8. Termination of this agreement by either party shall not in itself constitute cause for termination of any separate teaching contract between the coach and the school board.

9. SPECIAL COVENANTS:

The parties agree to the terms of this contract effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_(Signature)  
Chairman of the Board

\_\_\_\_\_(Signature)  
Clerk of the Board

\_\_\_\_\_(Signature)  
Division Superintendent

\_\_\_\_\_(Signature)  
Employee ]

## [ APPENDIX B. LISTING OF ESSENTIAL CONTRACT ELEMENTS.

### INTRODUCTORY STATEMENT

This list of essential contract elements, pending approval by the Office of the Attorney General, would satisfy the statutory requirement of a "form prescribed by the Board of Education" as required by § 22.1-302 of the Code of Virginia (1950) as amended. The text of the essential elements can be used by certain local school divisions who prefer to develop contracts specific to their circumstances or situations. This list of essential elements is provided as an alternative to the formal prototypes available. These elements, after review and approval by the Office of the Attorney General, and compliance with the requirements of the Administrative Process Act, will be incorporated into the appropriate section of Board regulations.

### ANNUAL CONTRACTS

Any annual contract for professional personnel shall, to the maximum extent possible, be written in clear and concise language easily understood by all parties, and include, at a minimum, the following provisions:

- A statement identifying the names and titles of the parties to the contract.
- A statement of the licensure requirements for the position or options thereto.
- A statement of the beginning date of service, the term, and the effective date of the contract.
- A statement of the duties to be performed under the contract.
- A statement (or statements) of expectations of the employee with regard to compliance with local, state, and/or federal statutes, regulations and constitutional provisions.

- A statement (or statements) of the provisions concerning assignment, reassignment, termination, suspension, probation, or resignation of the employee, and mutual termination of the contract.
- A statement of the penalties for the employee's failure to comply with the terms of the contract.
- A statement identifying the school term.
- A statement of the conditions under which the school term and/or contract may be extended.
- A statement of the amount of compensation due the employee and the method of payment.
- A statement of special covenants mutually agreed upon by the employer and employee which form a basis for the contract.

CONTINUING CONTRACTS

Any continuing contract for professional personnel shall, to the maximum extent possible, be written in clear and concise language easily understood by all parties, and include, at a minimum the following provisions:

- All of the provisions required for the annual contract.
- A statement explaining the continuing nature of the contract.

COACHING AND EXTRACURRICULAR ACTIVITY SPONSORSHIP CONTRACTS

Any athletic coaching contract with school personnel shall, to the maximum extent possible, be written in clear and concise language easily understood by all parties, and include the following provisions:

- A statement identifying the names and titles of the parties to the contract.
- A statement of the duties to be performed under the contract.
- A statement of the amount of compensation due the employee and the method of payment.
- A statement (or statements) of expectations of the employee with regard to compliance with local, state, and/or federal statutes, regulations and constitutional provisions.
- A statement setting forth conditions for termination of the contract.
- A statement identifying the limitations on the use of the experience toward length of service, substitution for teaching experience and rights in favor of the ~~each~~ *employee*.
- A statement of the beginning date of service, the term, and the effective date of the contract.
- A statement of special covenants mutually agreed upon by the employer and employee which form a basis for the contract. ]

VA.R. Doc. No. R01-254; Filed January 23, 2003, 1:39 p.m.

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TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

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

**Title of Regulation:** 9 VAC 20-60. Virginia Hazardous Waste Management Regulations (amending 9 VAC 20-60-18).

**Statutory Authority:** § 10.1-1402 and Article 4 (§ 10.1-1426 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia.

**Effective Date:** March 26, 2003.

**Agency Contact:** Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4327, or e-mail rgwickline@deq.state.va.us.

**Summary:**

*The amendment updates the effective date of federal regulatory text that is incorporated by reference from July 1, 2001, to July 1, 2002.*

**9 VAC 20-60-18. Applicability of incorporated references based on the dates on which they became effective.**

Except as noted, when a regulation of the United States Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations is adopted herein and incorporated by reference, that regulation shall be as it exists and has been published as a final regulation in the Federal Register prior to ~~July 1, 2004~~ *July 1, 2002*, with the effective date as published in the Federal Register notice or ~~November 24, 2004~~ *March 26, 2003*, whichever is later.

VA.R. Doc. No. R03-125; Filed February 3, 2003, 3:13 p.m.

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# Final Regulations

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## TITLE 13. HOUSING

### VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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

**Title of Regulation:** 13 VAC 10-40. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-110, 13 VAC 10-40-220, and 13 VAC 10-40-230).

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

**Effective Date:** January 24, 2003.

**Summary of Public Comments and Agency's Response:** No public comments were received by the promulgating agency.

**Agency Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free 1-800-968-7837 or e-mail judson.mckellar@vhda.com.

**Summary:**

*The amendments (i) increase the maximum loan amount from 97% to 100% of the lesser of the sales price or appraised value for all programs other than the Flexible Alternative Program; (ii) in the FHA Plus Program increase the maximum second loan amount from 3.0% to 5.0% of the lesser of sales price or appraised value and further clarify that, in determining the maximum combined loan amount of the first and second loans, the closing costs and fees to be included must be closing costs and fees paid by the borrower; (iii) in the Flexible Alternative Program provide that the authority may increase the maximum gross income from 120% of the applicable median family income to up to 150%, if determined to be necessary to provide financing in underserved areas, to people with disabilities, to applicants with household size of two or more, or other similarly underserved individuals; and (iv) in the Flexible Alternative Program provide that the authority may offer the borrower alternative pricing options with fewer points than currently required, provided the financial integrity of the program is protected by an adjustment to the interest rate or otherwise.*

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 19:7 VA.R. 1070-1073 December 16, 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. R03-79; Filed January 24, 2003, 11:14 a.m.

## TITLE 14. INSURANCE

### STATE CORPORATION COMMISSION

#### Bureau of Insurance

**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 5-200. Rules Governing Long-Term Care Insurance (amending 14 VAC 5-200-20, 14 VAC 5-200-30, 14 VAC 5-200-40, 14 VAC 5-200-60, 14 VAC 5-200-75, 14 VAC 5-200-150, and 14 VAC 5-200-200; adding 14 VAC 5-200-77 and 14 VAC 5-200-153).

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

**Effective Date:** April 1, 2003.

**Agency Contact:** Bob Wright, Special Projects Coordinator, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, toll-free 1-800-552-7945 or e-mail rwright@scc.state.va.us.

**Summary:**

*The amendments carry out the provisions of Chapter 334 of the 2002 Acts of Assembly that amended § 38.2-5206 of the Code of Virginia to require the State Corporation Commission to adopt standards regarding the initial filing requirements and premium rate schedule increases similar to those set forth in the model long-term care regulation developed by the National Association of Insurance Commissioners.*

*Revisions made to the final regulation, which was published in 19:8 VA.R. 1231-1238 December 30, 2002, clarify language in clause (i) of 14 VAC 5-200-77 B 2 b.*

AT RICHMOND, JANUARY 29, 2003

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2002-00118

**Ex Parte:** In the matter of  
Adopting Revisions to the Rules  
Governing Long-Term Care Insurance

#### ORDER ADOPTING REVISIONS TO RULES

By Order Granting, in Part, the Petition for Reconsideration (the "Order") entered herein December 16, 2002, the Commission suspended the Order Canceling Hearing and Adopting Revisions to Rules entered herein November 26, 2002. The Commission further directed the Bureau of

Insurance (the "Bureau") to consider the comments filed by the American Council of Life Insurers (the "ACLI") to the proposed revisions to the Rules Governing Long-term Care Insurance and to file a response thereto on or before January 15, 2003.

The Order was issued in response to a Petition for Reconsideration (the "Petition") filed by the ACLI with the Clerk of the Commission on December 9, 2002. In the Petition the ACLI stated that although its comments to the proposed revisions were not received by the Clerk of the Commission until November 25, 2002, they had been mailed on November 21, 2002. The Order to Take Notice had required all comments to the proposed revisions to be filed on or before November 22, 2002.

The Petition requested that the Commission vacate the Order Canceling Hearing and Adopting Revisions to Rules, require the Bureau to consider the ACLI's comments, and allow for a hearing prior to adopting the proposed revisions.

The ACLI's comments stated a general objection to any provision in the proposed revisions that is not found in the model long-term care insurance regulation (the "Model") developed by the National Association of Insurance Commissioners (the "NAIC"). Specifically, the ACLI voiced several complaints about 14 VAC 5-200-77 B. First, the ACLI contended that the language of 14 VAC 5-200-77 B 2 b(i), which reads "the comparison of premium rates filed containing the moderately adverse experience and the premium rates that would apply without the margin," requires every company making an initial rate filing to produce information that will not be required in other states where the product may be filed.

In its response filed with the Clerk of the Commission on January 15, 2003, the Bureau agreed that the cited language may be interpreted to require companies making an initial rate filing to file two sets of rates and that not all companies develop rates in such a manner. The Bureau noted that it was not the Bureau's intent to require companies to develop rates in this manner and proposed that the following language be substituted as (i): "a description of the margin for moderately adverse experience that is included in the premium rates."

The ACLI stated that the methodology set forth in 14 VAC 5-200-77 B will delay speed to market and uniformity. The Bureau responded that forms would be approved far more quickly using the proposed methodology than that contained in the NAIC Model.

The ACLI expressed concern that under the requirements of 14 VAC 5-200-77 B 2 b(i) proprietary information filed with the Bureau could be disclosed. The Bureau responded that it can protect such information if a company requests that the information be kept confidential pursuant to § 38.2-221.1 of the Code of Virginia.

The ACLI noted that the proposed revisions were intended to reduce regulatory scrutiny of initial rate filings and that the information required by 14 VAC 5-200-77 B 2 b(ii) places the emphasis on the review of initial rate filings, not rate increases. The Bureau responded that under the proposed methodology initial rate filings that are complete will be filed at the Bureau without additional review, and the majority of filings should be reviewed more quickly that is now the case.

The Bureau did not recommend any amendment to the language of the proposed revisions in response to the ACLI's comments other than the change in the language of 14 VAC 5-200-77 B 2 b(i) as set forth above.

The Commission, having considered the proposed revisions, the filed comments, and the Bureau's responses 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 the "Rules Governing Long-Term Care Insurance," which amend the rules at 14 VAC 5-200-20, 14 VAC 5-200-30, 14 VAC 5-200-40, 14 VAC 5-200-60, 14 VAC 5-200-75, 14 VAC 5-200-150, and 14 VAC 5-200-200, and propose new rules to be designated as 14 VAC 5-200-77 and 14 VAC 5-200-153, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective April 1, 2003.

(2) AN ATTESTED COPY hereof, together with a copy of the attached revisions, 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, together with a clean copy of the revised rules, to all insurers licensed by the Commission to write long-term care insurance in the Commonwealth of Virginia and interested parties designated by the Bureau of Insurance.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the attached revisions, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(4) On or before January 31, 2003, the Commission's Division of Information Resources shall make available this Order and the attached revisions 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.

<p><b>REGISTRAR'S NOTICE:</b> Action on the final regulation published in 19:8 VA.R. 1231-1238 December 30, 2002, was suspended in 19:9 VA.R. 1345-1346 January 13, 2003. The regulation was adopted as published in 19:8 VA.R. 1231-1238 December 30, 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 regulation published in 19:8 VA.R. 1231-1238 December 30, 2002, are printed below.</p>
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**14 VAC 5-200-20. [ No change from final. ]**

**14 VAC 5-200-30. [ No change from final. ]**

**14 VAC 5-200-40. [ No change from final. ]**

**14 VAC 5-200-60. [ No change from final. ]**

**14 VAC 5-200-75. [ No change from final. ]**

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# Final Regulations

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## 14 VAC 5-200-77. Initial filing requirements.

A. This section applies to any long-term care policy approved in this Commonwealth on or after October 1, 2003.

B. An insurer shall provide the information listed in this subsection to the commission and receive approval of the form prior to making a long-term care insurance form available for sale.

1. A copy of the disclosure documents required in 14 VAC 5-200-75; and

2. An actuarial certification consisting of at least the following:

a. A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

b. An explanation for supporting subdivision 2 a of this subsection, including (i) ~~[ the comparison of premium rates filed containing the moderately adverse experience and the premium rates that would apply without that margin~~ a description of the margin for moderately adverse experience that is included in the premium rates ] and (ii) a description of the testing of pricing assumptions that was done to support the conclusion that the filed premium rates are sustainable over the life of the form;

c. A statement that the policy design and coverage provided have been reviewed and taken into consideration;

d. A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

e. A complete description of the basis for contract reserves that are anticipated to be held under the form, to include:

(1) Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held;

(2) A statement that the assumptions used for reserves contain reasonable margins for adverse experience;

(3) A statement that the net valuation premium for renewal years does not increase (except for attained-age rating); and

(4) A statement that the difference, in aggregate, between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement cannot be made, a complete description of the situations where this does not occur. When the difference between the gross premium and the renewal net valuation premiums is not sufficient to cover expected renewal expenses, the description provided should demonstrate the type and level of change in the reserve assumptions that would be necessary for the difference to be sufficient.

(a) An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship;

(b) If the gross premiums for certain age groups appear to be inconsistent with this requirement, the commission may request a demonstration based on a standard age distribution; and

f. (1) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits; or

(2) A comparison of the premium rate schedules for similar policy forms that are currently available from the insurer with an explanation of the differences. It is not expected that the insurer will need to provide a comparison of every age and set of benefits, period of payment or elimination period. A broad range of expected combinations is to be provided in a manner designed to provide a fair presentation for review by the commission.

3. An actuarial memorandum that includes:

a. A description of the basis on which the long-term care insurance premium rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer must include percentage of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age; and

g. A statement that includes a description of the types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs.

14 VAC 5-200-150. [ No change from final. ]

14 VAC 5-200-153. [ No change from final. ]

14 VAC 5-200-200. [ No change from final. ]

VA.R. Doc. No. R03-59; Filed January 30, 2003, 4:14 p.m.



**TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

**BOARD OF ACCOUNTANCY**

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 54.1-4422 of the Code of Virginia, which provides that during a 24-month period beginning July 1, 2001, regulations adopted by the Board of Accountancy and approved by the Governor regarding the fee for licenses and certificates are exempt from the Administrative Process Act. The Board of Accountancy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 18 VAC 5-21. Board of Accountancy Regulations (amending 18 VAC 5-21-20).

**Statutory Authority:** §§ 54.1-4402, 54.1-4403, and 54.1-4410 of the Code of Virginia.

**Effective Date:** March 26, 2003.

**Agency Contact:** Nancy Taylor Feldman, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, or e-mail boa@boa.state.va.us.

**Summary:**

*The amendments increase the CPA certificate reinstatement fee and the registration certificate reinstatement fee from \$60 to \$250.*

**18 VAC 5-21-20. Fees.**

A. All fees are nonrefundable and the date of receipt by the board or its agent is the date that will be used to determine whether it is on time.

B. The following fees shall apply:

Initial examination application fee	\$25
Original CPA certificate application	\$24
CPA certificate by endorsement application	\$24
Registration certificate application	\$24
CPA certificate renewal	\$24
Registration certificate renewal	\$24
CPA certificate late renewal	\$25
Registration certificate late renewal	\$25
CPA certificate reinstatement	<del>\$60</del> \$250
Registration certificate reinstatement	<del>\$60</del> \$250
Noninteractive processing fee	\$ 5

If the renewal fee is not received by the board within 30 days after the expiration date printed on the CPA certificate or the registration certificate, the regulant shall pay the renewal and the late renewal fees. Regulants applying for reinstatement shall pay all unpaid renewal fees in addition to the late renewal and the reinstatement fees.

C. The late filing fee for CPA certificate holders who fail to complete or report their CPE as required by this chapter shall be:

1. If received by the board up to four months late, \$25.
2. If received by the board more than four months late but not more than six months late, \$50.
3. If received by the board more than six months late, \$75.

D. The fee for a replacement wall certificate shall be \$25.

E. A fee of \$25 will be charged in addition to the fees established in this section for submitting a check to the board which is dishonored by the institution upon which it is drawn.

F. A noninteractive processing fee will be assessed when the online payment option is not chosen by the applicant or regulant.

G. The fee for the examination provided for in 18 VAC 5-21-30 C shall consist of the contract charges. An administrative fee of \$25 will be assessed at the time of initial application for examination. No administrative fee will be assessed for re-examination. Examination service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ ~~44-35~~ 2.2-4300 et seq. of the Code of Virginia). The examination fee shall not exceed \$1,000.

**NOTICE:** The forms used in administering 18 VAC 5-21, Board of Accountancy Regulations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

**FORMS**

Original CPA Certificate Application, 03CERT (11/27/00 11/00).

CPA Certificate by Endorsement Application, 03ENDPKG (11/27/00 11/00).

Firm Registration Certificate Application, 03FIRM (10/4/99 10/99).

*Reinstatement – Employment/CPE Supplement Form, BOA-005 (eff. 1/03).*

CPA Certificate Reinstatement Application, ~~03CERTREI~~ BOA-006 (10/4/99 rev. 1/03).

# Final Regulations

Commonwealth of Virginia  
 Board of Accountancy  
 3600 West Broad Street, Suite 696  
 Richmond, Virginia 23230-4916  
 Office (804) 367-8505, Fax (804) 367-2174  
 Website: <http://www.boa.state.va.us>  
 E-mail: [boa@boa.state.va.us](mailto:boa@boa.state.va.us)



Virginia Board of Accountancy  
**CPA CERTIFICATE REINSTATEMENT APPLICATION**

A check or money order payable to the TREASURER OF VIRGINIA  
 must be mailed with your application package.  
**APPLICATION FEES ARE NOT REFUNDABLE.**

⇒ It is the responsibility of the applicant for reinstatement to become familiar with the applicable sections of the *Virginia Board of Regulations* prior to completing and submitting this application for reinstatement.

Virginia CPA Certificate Number	A	B	C	A+B+C
#	Reinstatement Fee	Late Renewal Penalty Fee	Number of unpaid Renewal Periods x \$24	Total Fees
	\$ 250.00	\$ 25.00	\$	\$

- Name \_\_\_\_\_  
First Middle Last Generation (SR, JR, III, etc.)
- Social Security Number    -   -        
(Application will not be accepted without a Social Security Number or Control Number. See below. \*)
- Date of Birth \_\_\_\_\_
- Street Address (P.O. Box not accepted) \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_
- E-mail Address \_\_\_\_\_
- Telephone & Other Numbers \_\_\_\_\_  
(Please include your area codes) Telephone Facsimile Beeper/Cellular

\* *State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.*

FOR OFFICE USE ONLY	FEE PAID	DATE RECEIVED	ISSUE DATE	CERTIFICATE NUMBER
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10. When your license is reinstated, do you plan to refer to yourself as a Certified Public Accountant, or "CPA," including the use of the "CPA" title on individual business cards, letterhead, and all other documents or devices except the CPA wall certificate, and:

A. Perform or offer to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for an employer or other organization and not for the public, or be employed as an educator in the field of accounting?

No  Yes  If yes, effective July 1, 2002, you must obtain 45 hours of continuing professional education (CPE), with a minimum of 10 CPE hours per year. This requirement is effective for the three-year reporting cycle beginning January 1, 2003. Any CPE hours earned from July 1 through December 31, 2002 can be used for the reporting year of January 1 to December 31, 2003.

B. Perform or offer to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for the public?

No  Yes  If yes, you must attach evidence of having obtained 120 hours of CPE for the three years prior to the year the reinstatement application is submitted, with a minimum of 20 CPE hours per year.

11. Please provide the information on your employment or self-employment by completing the **Reinstatement – Employment/CPE Supplement Form**. A separate Supplement Form must be completed for each year that your license was expired. Incomplete Forms cannot be accepted.

12. By signing this application, I certify that I continue to meet the standards for renewal as set forth in 18 VAC 5-21-80 of the *Virginia Board of Accountancy Regulations*. In addition, by signing this form, I affirm that: (i) I have complied with the Board's standards of conduct and applicable standards of practice; (ii) I have met the applicable continuing professional education requirements set forth in 18 VAC 5-21-170 for the three years prior to the year the reinstatement application is submitted; and (iii) I have met the requirements set forth in 18 VAC 5-21-50 if the CPA certificate holder is responsible for supervising services involving the practice of public accounting, and signs or authorizes another person to sign the financial statement on behalf of the firm. I also certify that I understand, and have complied with, all the laws of Virginia affecting Certified Public Accountants under the provisions of **Chapter 44 of Title 54.1 of the Code of Virginia**, and the *Virginia Board of Accountancy Regulations*.

Furthermore, I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Virginia Board of Accountancy's decision to approve this application. I will notify the Virginia Board of Accountancy if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested certificate.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Copies of the aforementioned sections of the *Code of Virginia* and the *Virginia Board of Accountancy Regulations*, as well as all applicable forms and other information, may be obtained online at <http://www.boa.state.va.us>, or by calling the Board office at (804) 367-8505.

7. List your reasons for failing to renew your CPA certificate. If necessary, you may attach any additional sheet(s) of paper.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Have you ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No  Yes  If yes, list all the names of the jurisdictions in which the disciplinary action took place and the license number. Provide an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, voluntary surrender of license, monetary penalty, fine, reprimand, etc.). Attach copies of any correspondence or documentation (including a copy of the final order, decree or case decision) related to this matter. If necessary, you may attach any additional sheet(s) of paper.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. A. Have you ever been convicted in any jurisdiction of any felony? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in 9.C.

B. Have you ever been convicted in any jurisdiction of any misdemeanor? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in 9.C.

C. If you answered "yes" to either question 9.A. or 9.B., list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal convictions, state police and court records; information on the current status of your incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, you may attach any additional sheet(s) of paper.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Final Regulations

Commonwealth of Virginia  
 Board of Accountancy  
 3660 West Broad Street, Suite 696  
 Richmond, Virginia 23230-4916  
 Office (804) 367-8505, Fax (804) 367-2174  
 Website: <http://www.boa.state.va.us>  
 E-mail: [boa@boa.state.va.us](mailto:boa@boa.state.va.us)



Virginia Board of Accountancy  
**REINSTATEMENT – EMPLOYMENT/CPE SUPPLEMENT FORM**

You must complete a separate form with your employment or self-employment information (including business name and address) for each year that your license was expired.

The completed form(s) must accompany your CPA Certificate Reinstatement Application.

**INCOMPLETE FORMS CANNOT BE ACCEPTED.**

It is the responsibility of the applicant for reinstatement to become familiar with the applicable sections of the *Virginia Board of Regulations* prior to completing and submitting the application for reinstatement.

**PLEASE PRINT ALL INFORMATION**

Virginia CPA Certificate Number # _____	Year addressed in this form: _____
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1. Name \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Generation (SR, JR, III, etc.) \_\_\_\_\_

2. Social Security Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 (Application will not be accepted without a Social Security Number or Consol Number. See below \*)

**EMPLOYMENT/SELF-EMPLOYMENT INFORMATION**

3. Business Name \_\_\_\_\_

4. Business Street Address \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_

5. E-mail Address \_\_\_\_\_

6. Telephone & Other Numbers (Please include the area codes) Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_ Beep/cellular \_\_\_\_\_

\* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

FORM TYPE (USE ONLY)	DATE RECEIVED	ISSUE DATE	CERTIFICATE NUMBER
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BOA-005 (1/14/03) Page 1 of 2 Board of Accountancy

7. I used my CPA designation and provided services to the public during this year (i.e., prepared tax returns, estate planning, served as a consultant).  
 No  Yes
8. I used my CPA designation but I did not provide services to the public during this year.  
 No  Yes
9. I did not use my CPA designation at all during this year.  
 No  Yes
10. I worked in Virginia during this year.  
 No  Yes
11. I worked outside Virginia during this year.  
 No  Yes
12. I worked both in Virginia and outside Virginia during this year.  
 No  Yes
13. If my license is reinstated, I plan to use my CPA designation and provide services to the public.  
 No  Yes
14. If my license is reinstated, I plan to use my CPA designation but I will not provide services to the public.  
 No  Yes
15. If my license is reinstated, I do not plan to use my CPA designation and will not work as a CPA.  
 No  Yes

- ☞ If you answered "Yes" to (7&10), (7&11), (7&12), or (13) – You must provide proof of the required CPE (120 CPE hours over a three-year CPE reporting cycle – the three calendar years immediately preceding your application for reinstatement).
- ☞ If you answered "Yes" to (8&10), (8&11), or (14) – Beginning January 1, 2004, you must provide proof of the required CPE (45 CPE hours over a three-year CPE reporting cycle beginning January 1<sup>st</sup> of 2003, 2004, and 2005).

I, the undersigned, certify that the foregoing statements and answers are true, and accurate.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Copies of the Code of Virginia and the Virginia Board of Accountancy Regulations, as well as all applicable forms and other information, may be obtained online at <http://www.boa.state.va.us>, or by calling the Board office at (804) 367-8505.

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**REAL ESTATE BOARD**

**Title of Regulation:** 18 VAC 135-20. Virginia Real Estate Board Licensing Regulations (amending 18 VAC 135-20-10 through 18 VAC 135-20-80, 18 VAC 135-20-100 through 18 VAC 135-20-190, 18 VAC 135-20-220, 18 VAC 135-20-240 through 18 VAC 135-20-300, 18 VAC 135-20-330, 18 VAC 135-20-340, 18 VAC 135-20-360, 18 VAC 135-20-370, and 18 VAC 135-20-410; adding 18 VAC 135-20-105, 18 VAC 135-20-155, and 18 VAC 135-20-185; repealing 18 VAC 135-20-200, 18 VAC 135-20-230, and 18 VAC 135-20-320).

**Statutory Authority:** §§ 54.1-201 and 54.1-2105 of the Code of Virginia.

**Effective Date:** April 1, 2003.

**Agency Contact:** Karen W. O'Neal, Deputy Director, Real Estate Board, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail oneal@dpor.state.va.us.

**Summary:**

*The amendments make general clarifying changes; impose less burdensome requirements for reciprocal applicants; clarify language regarding applicants with criminal convictions; revise language regarding the supervision of branch offices to focus on the actual supervision provided rather than the physical location of the office; add clarifying language to the escrow provisions; revise the advertising provisions to incorporate Internet advertising; and combine Parts V and VI, Standards of Practice and Conduct. Since the proposed, changes were made to provide for the ability to move to electronic submission of application documents to the board and for clarification purposes.*

**Summary of Public Comment and Agency 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.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 18:23 VA.R. 3044-3061 July 29, 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.

**18 VAC 135-20-10. [ No change from proposed. ]**

**18 VAC 135-20-20. Necessity for license. (Refer to § 54.1-2106.1 of the Code of Virginia.)**

A. Sole proprietor (principal broker owner). A real estate broker's license shall [ not ] be issued to an individual trading under an assumed or fictitious name, that is, a name other than the individual's full name, ~~until~~ *only after* the individual signs and acknowledges a certificate provided by the board, setting forth the name under which the business is to be organized and conducted, the address of the individual's residence, and the address of the individual's place of business. Each certificate must be attested by the clerk of court of the county or jurisdiction wherein the business is to be

conducted. The attention of all applicants and licensees is directed to §§ 59.1-69 through 59.1-76 of the Code of Virginia.

~~B. Sole proprietor (nonbroker owner), partnership, association, limited liability company, or corporation. Every sole proprietor (nonbroker owner), partnership, association, limited liability company, or corporation must secure a real estate license for its brokerage firm before transacting real estate business. Application This license is separate and distinct from the individual broker license required of each partner, associate, manager of a limited liability company, and officer of a corporation who is active in the firm's [ brokerage ] business. Each applicant for such license shall disclose, and the license shall be issued to, the name under which the applicant intends to do or does business and holds itself out to the public. This license is separate and distinct from the individual broker license required of each partner, associate, manager of a limited liability company, and officer of a corporation who is active in the brokerage business. Each applicant shall also disclose the business address of the firm. The board will consider the application of any partnership, association, corporation or limited liability company only after the entity is authorized to conduct business in accordance with §§ 59.1-69 through 59.1-76 of the Code of Virginia.~~

~~1. Sole proprietor (nonbroker owner). Each sole proprietor (nonbroker owner) acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of the owner; the name and style of the firm; and the address of the office of the real estate entity. Each change in the information contained on the certificate filed with the board must be evidenced by filing a new certificate with the board within 30 days after the change is effective.~~

~~2. Partnership. Each partnership acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the partnership; the name and style of the firm; the address of the Virginia office of the firm; and the length of time for which it is to continue. Every change in the partnership must be evidenced by filing a new certificate with the board within 30 days after the change is effective.~~

~~3. Association. Each association acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the association; the name and style of the firm; the address of the Virginia office of the firm; and the length of time for which it is to continue. Every change in the association must be evidenced by filing a new certificate with the board within 30 days after the change is effective.~~

~~4. Corporation. Each corporation acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each officer of the corporation; the name of each licensed shareholder; the name and style of the corporation;~~

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~~the address of the Virginia office of the firm; and the corporation's place of business.~~

~~a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.~~

~~b. The board will not consider the application of any corporation or its officers, employees, or associates until the corporation is authorized to do business in Virginia.~~

~~5. Limited liability company. Each limited liability company acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each licensed manager or member of the company; the name and style of the company; and the address of the Virginia office of the company.~~

~~a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.~~

~~b. The board will not consider the application of any limited liability company or its officers, employees, or associates until the limited liability company is authorized to do business in Virginia.~~

C. Branch office license. If a real estate broker maintains more than one place of business within the state, a branch office license shall be issued for each ~~branch office place of business~~ maintained. Application for the license shall be made on forms provided by the board and shall reveal the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office. The branch office license shall be maintained at the branch office location.

## 18 VAC 135-20-30. Qualifications for licensure.

Every applicant to the Real Estate Board for an individual salesperson's or broker's license shall have the following qualifications:

1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interests of the public.

2. The applicant shall meet the current educational requirements by achieving a passing grade in all required courses of § 54.1-2105 of the Code of Virginia prior to the time the applicant sits for the licensing examination and applies for licensure.

3. The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

4. The applicant shall not have been convicted or found guilty [ ~~of any crime directly relating to the practice of real~~

~~estate~~ ], regardless of *the manner of adjudication*, in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. [ ~~Except for misdemeanor convictions for being drunk in public, driving under the influence, traffic violations, or any misdemeanor conviction that occurred five or more years prior to the date of application, with no subsequent convictions, all criminal convictions shall be considered as part of the totality of the circumstances of each applicant.~~ ] Review of prior criminal convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

5. The applicant shall be at least 18 years old.

6. The applicant, within 12 months prior to making *complete* application for a license, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board. ~~Complete applications must be received within the 12-month period.~~

7. The applicant shall follow all *rules procedures* established ~~by the board~~ with regard to conduct at the examination. ~~Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination.~~ Failure to comply with all *rules procedures* established ~~by the board~~ with regard to conduct at the examination shall *may* be grounds for denial of application.

8. Applicants for licensure who do not meet the requirements set forth in subdivisions 3 and 4 of this section may be approved for licensure following consideration by the board in accordance with § 54.1-204 of the Code of Virginia.

**18 VAC 135-20-40. [ No change from proposed. ]**

**18 VAC 135-20-45. [ No change from proposed. ]**

**18 VAC 135-20-50. Concurrent licenses.**

Concurrent licenses shall be issued by the board to brokers active in more than one ~~separate legal entity firm~~ upon receipt of a concurrent license form and written [ ~~affidavits stating statements verifying~~ ] that written notice of the applicant's concurrent licensure status has been provided to the principal broker of each firm with which the applicant is and will be associated. Payment is required for each license. A concurrent license will not be issued to an individual applying to be associated with a firm if that individual has an expired license associated with the same firm and the expired license may be reinstated.

**18 VAC 135-20-60. Qualifications for licensure by reciprocity.**

~~A. Every applicant to the Real Estate Board for a license by reciprocity shall have the qualifications provided in subsection B of this section, except that subdivision B 6 of this section shall only be applicable for salesperson applicants.~~

~~B. An individual who is currently licensed as a real estate salesperson or broker in another jurisdiction may obtain a Virginia real estate license by meeting the following requirements:~~

- ~~1. The applicant shall be at least 18 years of age.~~
- ~~2. The applicant shall have received the salesperson's or broker's license by virtue of having passed in the jurisdiction of licensure a written examination deemed to be substantially equivalent to the Virginia examination.~~
- ~~3. The applicant, within 12 months prior to making application for a license, shall have passed a written examination provided by the board or a testing service acting on behalf of the board covering Virginia real estate license law and the regulations of the Real Estate Board. Complete applications must be received within the 12-month period sign [an affidavit stating a statement verifying] that he has read and understands the provisions of this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia.~~
- ~~4. The applicant shall follow all rules procedures established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules procedures established by the board with regard to conduct at the examination shall may be grounds for denial of application.~~
- ~~5. The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.~~
- ~~6. At the time of application for a salesperson's license, the applicant must have been actively engaged in real estate as defined by 18 VAC 135-20-10 for 12 of the preceding 36 months or have met educational requirements that are substantially equivalent to those required in Virginia. At the time of application for a broker's license, the applicant must have been actively engaged as defined by 18 VAC 135-20-10 for 36 of the preceding 48 months. These requirements may be waived at the discretion of the board in accordance with § 54.1-2105 of the Code of Virginia.~~
- ~~7. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate salesperson or broker in such a manner as to safeguard the interests of the public.~~

8. The applicant shall not have been convicted or found guilty [ ~~of any crime directly relating to the practice of real estate~~ ], regardless of ~~the manner of~~ adjudication, in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony there being no appeal pending therefrom or the time for appeal having elapsed the United States. [ ~~Except for misdemeanor convictions for being drunk in public, driving under the influence, traffic violations, or any misdemeanor conviction that occurred five or more years prior to the date of application, with no subsequent convictions, all criminal convictions shall be considered as part of the totality of the circumstances of each applicant.~~ ] Review of prior criminal convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

9. Applicants for licensure who do not meet the requirements set forth in subdivisions 5 and 8 of this subsection may be approved for licensure following consideration by the board in accordance with § 54.1-204 of the Code of Virginia.

~~C. Additional qualifications for reciprocal licensure as a broker. An individual who is currently licensed as a real estate broker in another jurisdiction may obtain a Virginia real estate broker's license by meeting the requirement set out in subsection D of this section in addition to those set forth in subdivisions B 1 through B 5 and B 7 through B 9 of this section.~~

~~D. The applicant shall have been licensed as a real estate broker and actively engaged as a real estate broker or salesperson for at least 36 of the 48 months immediately prior to making application in Virginia. (See 18 VAC 135-20-10 for the definition of "actively engaged.")~~

**18 VAC 135-20-70 through 18 VAC 135-20-185. [ No change from proposed. ]**

**18 VAC 135-20-190. Advertising by licensees.**

~~A. The name under which the broker does business and the manner in which the broker advertises shall not imply that the property listed or marketed by the broker for others is "for sale by owner." A broker shall not advertise in any newspaper, periodical, or sign to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such property is being made by a person not licensed as a real estate broker. No advertisement shall be inserted in any publication where only a post office box number, telephone number, or street address appears. Every broker, when advertising real estate in any newspaper or periodical, shall affirmatively and unmistakably indicate that the party advertising is a real estate broker.~~

~~B. A. Definitions. The following definitions apply unless a different meaning is plainly required by the context:~~

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~~"Advertising" means [ any communication, whether oral or written, between a licensee or an entity acting on behalf of one or more licensees and any other person or business entity. It shall include, but is not limited to, telephonic communications, insignias, business cards, advertisements, telephone directory, listing agreements, contracts of sale, billboards, signs, letterheads, as well as radio, television, magazine, newspaper, and internet advertisements ] all forms of representation, promotion and solicitation disseminated in any manner and by any means of communication to consumers for any purpose related to licensed real estate activity.~~

~~"Disclosure" in the context of online advertising means (i) advertising that contains the firm's licensed name, the city and state in which the firm's main office is located and the jurisdiction in which the firm holds a license or (ii) advertising that contains the licensee name, the name of the firm with which the licensee is active, the city and state in which the licensee's office is located and the jurisdiction in which the licensee holds a license. "Disclosure" in the context of other advertising means [(#) (a)] advertising by the firm that contains the firm's licensed name and the firm's address or [(#) (b)] advertising by an affiliated licensee that contains the licensee's name, the name of the firm with which the licensee is active and the firm's address.~~

~~"Institutional advertising" means advertising in which neither the licensed name nor any other identification of any licensed individual is disclosed, no real property is identified, and a service mark is identified.~~

~~"Service mark" means the trade name or logo, whether or not registered under any federal or state law, which is owned by an entity other than the licensee and which the licensee firm has obtained permission to use through agreement, license, franchise, or otherwise.~~

~~"Viewable page" means a page that may or may not scroll beyond the borders of the screen and includes the use of framed pages.~~

~~G. Every licensee is prohibited from advertising and marketing under the licensee's own name (except for sole proprietors trading under the principal broker's own name) in any manner offering on behalf of others to buy, sell, exchange, rent, or lease any real property. B. All advertising and marketing must be under the direct supervision of the principal broker or supervising broker and in the name of the firm. The firm's licensed name must be clearly and legibly displayed on all display signs and other types of advertising and marketing.~~

~~D. If a licensee advertises property which he owns or in which he has any ownership interest without using the services of a licensed real estate entity, the licensee shall advertise with the notice that the owner is a real estate licensee, but such advertisement must not indicate or imply that the licensee is operating a real estate brokerage business.~~

~~E. Service marks and institutional advertising.~~

~~1. All institutional advertising shall state that the service being advertised is real estate brokerage, and shall state affirmatively that each licensed firm or sole proprietorship displaying or using the service mark is an independently owned and operated business.~~

~~2. Any service mark constituting a part of written noninstitutional advertising shall conspicuously disclose that the licensed brokerage firm or sole proprietorship is independently owned and operated. Disclosure that the licensed brokerage firm or sole proprietorship is independently owned and operated shall not be required in the following categories of written noninstitutional advertising:~~

~~a. "For sale" and "for lease" signs located on the premises of specific property for sale or lease;~~

~~b. Advertising by a licensed firm or sole proprietorship in newspapers, magazines, or other publications of a single specific property for sale or lease when the advertisement occupies no more than 28 of the standard classified advertising lines of the newspaper, magazine, or other publications in which the advertisement is published; and~~

~~c. Telephone directory advertisements disclosing that the licensed brokerage firm or sole proprietorship is independently owned and operated is required in "display" advertisements and in "in column informational" or "business card" size advertisements, or their equivalent, appearing in telephone directories.~~

~~3. In oral, noninstitutional advertising, the speaker shall disclose affirmatively the licensee's name, and except in the case of telephone communication, shall disclose that the licensed firm or sole proprietorship is independently owned and operated.~~

~~C. Online advertising.~~

~~1. Any online advertising undertaken for the purpose of any licensed activity is subject to the provisions of this chapter.~~

~~2. All online advertising that can be viewed or experienced as a separate unit (i.e., e-mail messages and web pages) must contain disclosure as follows:~~

~~a. The web. If a firm or licensee owns a webpage or controls its content, the viewable page must include disclosure or a link to disclosure.~~

~~b. E-mail, newsgroups, discussion lists, bulletin boards. All such formats shall include disclosure at the beginning or end of each message. The provisions of this subsection do not apply to correspondence in the ordinary course of business.~~

~~c. Instant messages. Disclosure is not necessary in this format if the firm or licensee provided the disclosures via another format prior to providing, or offering to provide, licensed services.~~

~~d. Chat. Disclosure is required prior to providing, or offering to provide, licensable services during the chat session, or in text visible on the same webpage that contains the chat session if the licensee controls the website hosting the chat session.~~

~~e. Voice Over Net (VON). Disclosure is required prior to advertising or the disclosure text must be visible on the same webpage that contains the VON session.~~

f. Banner ads. A link to disclosure is required unless the banner ad contains the disclosure.

D. The following activities shall be prohibited:

1. Implying that property listed by a licensee's firm and advertised by the firm or licensee is for sale, exchange, rent or lease by the owner or by an unlicensed person;
2. Failing to include a notice in all advertising that the owner is a real estate licensee if the licensee owns or has any ownership interest in the property advertised and is not using the services of a licensed real estate entity;
3. Failing to include the firm's licensed name on any sign displayed outside each place of business;
4. Failing to obtain the written consent of the seller, landlord, optionor or licensor prior to advertising a specific identifiable property; and
5. Failing to identify the type of services offered when advertising by general description a property not listed by the party making the advertisement.

PART VI.  
STANDARDS OF CONDUCT.

**18 VAC 135-20-200 through 18 VAC 135-20-250. [ No change from proposed. ]**

**18 VAC 135-20-260. Unworthiness and incompetence.**

Actions constituting unworthy and incompetent conduct include:

1. Obtaining a license by false or fraudulent representation;
2. Holding more than one license as a real estate broker or salesperson in Virginia except as provided in this chapter;
3. As a currently licensed real estate salesperson, sitting for the licensing examination for a salesperson's license;
4. As a currently licensed real estate broker, sitting for a real estate licensing examination;
5. Having been convicted or found guilty [~~of any crime directly relating to the practice of real estate,~~] regardless of the manner of adjudication in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. [~~Except for misdemeanor convictions for being drunk in public, driving under the influence, or traffic violations, all criminal convictions shall be considered part of the totality of the circumstances. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia.~~] Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;
6. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any felony or of a

~~misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury convictions as stated in subdivision 5 of this section;~~

7. Having had a license as a real estate broker or real estate salesperson that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction.

8. Failing to inform the board in writing within 30 days of a disciplinary action as stated in subdivision 7 of this section.

~~9.~~ 9. Having been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the Fair Housing Laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed;

~~10.~~ 10. Failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public; and

~~11.~~ 11. Engaging in improper, fraudulent, or dishonest conduct.

**18 VAC 135-20-270. [ No change from proposed. ]**

**18 VAC 135-20-280. Improper brokerage commission.**

Actions resulting in an improper brokerage commission include:

1. Offering to pay or paying a commission or other valuable consideration to any person for acts or services performed in violation of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; provided, however, that referral fees and shared commissions may be paid to any real estate entity licensed in this or another jurisdiction, or to any referral entity in the United States, the members of which are brokers licensed in this or another jurisdiction and which only disburses commissions or referral fees to its licensed member brokers;
2. Accepting a commission or other valuable consideration, as a real estate salesperson or associate broker, from any person except the licensee's principal broker at the time of the transaction, for (i) the performance of any of the acts specified in Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board, from any person except the licensee's principal broker at the time of the transaction or related to any real estate transaction, without the consent of that broker; or (ii) the use of any information about the property, the transaction or the parties to the transaction, gained as a result of the performance of acts specified in Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia without the written consent of the principal broker. No licensee shall act as an employee of a company providing real estate settlement services as defined in the Real Estate Settlement Procedures Act (12 USC § 2601 et seq.) or pursuant to a license issued by the Commonwealth of Virginia to provide real estate settlement services to clients or customers of the firm without written consent of the broker,

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3. Receiving a fee or portion thereof including a referral fee or a commission or other valuable consideration for services required by the terms of the real estate contract when such costs are to be paid by either one or [ ~~both~~ *more* ] principals to the transaction unless such fact is revealed in writing to the principal(s) prior to the time of ordering or contracting for the services;

4. Offering or paying any money or other valuable consideration for services required by the terms of the real estate contract to any party other than the principals to a transaction which results in a fee being paid to the licensee; without such fact being revealed in writing to the principal(s) prior to the time of ordering or contracting for the services;

5. Making a listing contract or lease which provides for a "net" return to the seller/lessor, leaving the licensee free to sell or lease the property at any price he can obtain in excess of the "net" price named by the seller/lessor; and

6. Charging money or other valuable consideration to or accepting or receiving money or other valuable consideration from any person or entity other than the licensee's client for expenditures made on behalf of that client without the written consent of the client.

Consent To Suits and Service of Process Form, 02CTS (~~eff. 7/99~~ rev. [ ~~4/02~~ 8/02 ] ).

Experience Verification Form, 02EXP (~~eff. 7/99~~ rev. 1/02).

Firm License Application, 02FIRM (~~eff. 7/99~~ rev. [ ~~4/02~~ 1/03 ] ).

Firm Name/Address Change Form, 02FNACHG (~~eff. 7/99~~ rev. 1/02).

Firm Principal Broker/Officer Change Form, 02PBOCHG (~~eff. 7/99~~ rev. 1/[ ~~2/~~ ] 02).

Principal Broker and Sole Proprietor License Application, 02PBSPLIC (~~eff. 7/99~~ rev. [ ~~4/02~~ 8/02 ] ).

Reciprocity Applicant Instructions, 02RECINS (~~eff. 7/99~~ rev. 1/02).

Salesperson and Associate Broker License Application, 02SABLIC (~~eff. 7/99~~ rev. [ ~~2/02~~ 8/02 ] ).

Supervising Broker [ ~~Appointment for Branch Office~~ ]/Change Form, 02SBCHG (~~eff. 7/99~~ rev. 1/02).

VA.R. Doc. No. R01-232; Filed January 29, 2002, 1:04 p.m.



**18 VAC 135-20-290 through 18 VAC 135-20-410. [ No change from proposed. ]**

**NOTICE:** The forms used in administering 18 VAC 135-20, Virginia Real Estate Board Licensing 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 Real Estate Board, 3600 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

~~Activate/Transfer/Concurrent Application, ATC (eff. 7/99).~~

*Activate/Transfer Application, 02AT (1/02).*

*Add-on Business Entity License Application, 02ADDBUS (1/02).*

Broker Education Requirements for Non-Reciprocal Examinees, 02BEDREQ (~~eff. 7/99~~ rev. [ ~~4/02~~ 8/02 ] ).

Branch Office License Application, [ ~~00BRANCH~~ 02BRANCH ] (~~eff. 7/99~~ rev. [ ~~4/02~~ 8/02 ] ).

Business Entity License Application, [ ~~00BUSENT~~ 02BUSENT ] (~~eff. 7/99~~ rev. 1/02).

Business Entity License Transfer Application, [ ~~00BUSTR~~ 02BUSTR ] (~~eff. 7/99~~ rev. 1/02).

*Certificate of Ownership/Individual Trading Under an Assumed or Fictitious Name Application, 02CRTOWN (1/02).*

[ ~~Concurrent Broker Acknowledgment Form, 02CONACK (7/99).~~ ]

[ *Certification Request, 02CRTREQ (1/02).* ]

*Concurrent Broker Application, 02CONCUR (1/02).*

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# EMERGENCY REGULATIONS

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

**Title of Regulation:** 4 VAC 20-252. **Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-130 and 4 VAC 20-252-150).**

**Statutory Authority:** §§ 28.2-201, 28.2-204.1 and 28.2-210 of the Code of Virginia.

**Effective Dates:** January 31, 2003, through February 28, 2003.

**Agency Contact:** Deborah R. Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Richmond, VA, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

**Summary:**

*The amendments change the eligibility requirements that are used to determine which commercially registered fishermen will receive coastal area striped bass harvest quota. Also, the number of tags that Chesapeake area fishermen need to forfeit to gain a share of coastal area tags was modified from 247 to 236. This section also describes the criteria that will be used should the coastal area harvest quota be insufficient to provide permits to those commercial fishermen who qualify. The amendments also change the quota in the coastal area from 129,397 to 184,853 pounds.*

**4 VAC 20-252-130. Entry limits, permits, and reports.**

A. There is established a special permit for engaging in either the Chesapeake area commercial fishery for striped bass or the coastal area commercial fishery for striped bass, and it shall be unlawful for any person to engage in either commercial fishery for striped bass without first having obtained the permit from the commission and meeting the following conditions:

1. The person shall be a licensed registered commercial fisherman.
2. The person shall have reported all prior fishing activity in accordance with 4 VAC 20-610 and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation.

B. Permits for the commercial harvest of striped bass in the Chesapeake area shall be issued to any registered commercial fishermen holding striped bass quota shares issued under the provisions of 4 VAC 20-252-160, except as provided by subsection C of this section.

C. Initially, permits for the 2003 commercial harvest of striped bass in the coastal area shall be issued as described in subdivisions 1 and 2 of this subsection.

1. Permits for the coastal area striped bass commercial fishery shall be limited to any registered commercial

fishermen who landed a total of at least 1,000 pounds of striped bass from the coastal area in ~~two years~~ *one year or more*, from 1993 through 1997 and harvested striped bass from the coastal area in either 2001 or 2002 as documented by the commission's mandatory reporting database, and chooses to surrender ~~247~~ 236 tags of his Chesapeake area striped bass harvest quota. *Should the coastal area harvest quota described in 4 VAC 20-252-150 B be insufficient to provide permits for all those who qualify according to the requirements in this subdivision, permits shall be granted first on the basis of total number of years a fisherman landed striped bass from 1993 through 1997, and secondarily on the total number of pounds landed by a fisherman from 1993-97.*

2. If shares of coastal area quota remain, following the initial permitting process in 2003, as described in subdivision 1 of this subsection, subsequent permits issued for the 2003 coastal area commercial striped bass fishery shall *first* be limited, sequentially, to those fishermen who landed the most striped bass beyond a minimum total landings amount of 1,000 pounds from the coastal area during the most number of years from 1993 through 1997 and landed striped bass from the coastal area in either 2001 or 2002 as documented by the commission's mandatory reporting database, and chooses to surrender ~~247~~ 236 tags of his Chesapeake area striped bass harvest quota. *Secondarily, permits issued for the 2003 coastal area commercial striped bass fishery shall be limited, sequentially, to those fishermen who landed the most striped bass beyond a minimum total landings amount of 1,000 pounds from the coastal area during the most number of years from 1993-97 as documented by the commission's mandatory reporting database, and chooses to surrender 236 tags of his Chesapeake area striped bass harvest quota.*

3. *Permitees for the 2003 commercial harvest of striped bass in the coastal area shall receive an equal share of the coastal area quota of tags.*

D. It shall be unlawful for any person to purchase striped bass taken from Virginia's tidal waters for the purpose of resale without first obtaining a permit from the commission.

E. Permits must be in the possession of the permittee while harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.

F. All commercial harvesters of striped bass shall report to the commission in accordance with 4 VAC 20-610.

G. All buyers of striped bass taken from Virginia's tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days following the last day of each commercial fishing season.

H. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this chapter.

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# Emergency Regulations

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## 4 VAC 20-252-150. Commercial harvest quota; conversion to striped bass tags.

A. The commercial harvest quota for the Chesapeake area shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the Chesapeake Bay and its tributaries and the Potomac River tributaries of Virginia for all open seasons and for all legal gear shall be 1,701,748 pounds of whole fish. At such time as the total commercial harvest of striped bass from the Chesapeake area is projected to reach 1,701,748 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the Chesapeake area.

B. The commercial harvest quota for the coastal area of Virginia shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the coastal area for all open seasons and for all legal gear shall be ~~129,397~~ 184,853 pounds of whole fish. At such time as the total commercial harvest of striped bass from the coastal area is projected to reach ~~129,397~~ 184,853 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the coastal area.

C. For the purposes of assigning individual shares for commercial harvests in the Chesapeake area, as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota to arrive at the commercial harvest quota of tags.

D. For the purposes of assigning individual shares, for commercial harvests in the coastal area of Virginia as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota, to arrive at the commercial harvest quota of tags.

VA.R. Doc. No. R03-122; Filed January 31, 2003, 10:17 a.m.

\* \* \* \* \*

**Title of Regulation: 4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20, 4 VAC 20-720-40, 4 VAC 20-720-50, 4 VAC 20-720-70, and 4 VAC 20-720-80).**

**Statutory Authority:** §§ 28.2-201, 28.2-210 and 28.2-507 of the Code of Virginia.

**Effective Dates:** February 1, 2003, through March 3, 2003.

**Summary:**

*Emergency action was taken by the commission as follows:*

1. *The Deep Rock Dredge Area will now be known as the Deep Rock Patent Tong Area. The area description will be the same.*

2. *All areas previously opened for the 2002-2003 public oyster harvest season in the Pocomoke-Tangier Sound Management Area will be opened for the harvesting of oysters from February 3, 2003, through February 21, 2003.*

3. *The area known as the Deep Rock Patent Tong Area will be opened from February 10, 2003, through March 31, 2003. Only patent tongs, as described in § 28.2-509 of the Code of Virginia, will be allowed for harvesting oysters in this area.*

**Agency Contact:** Deborah R. Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Richmond, VA, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

## 4 VAC 20-720-20. Definitions.

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

*"Deep Rock Dredge Patent Tong Area"* means the area described as follows: starting at Cherry Point, Gwynns Island, thence northeast to G"1P" along the south side of channel to Piankatank River; thence east-southeast to G"1R"; thence southwest to Sandy Point, Gwynns Island, north of Hole in Wall (see map).

*"Deep Water Shoal State Replenishment Seed Area (DWS)"* in the James River (574.66 Acres) means the areas beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, north 302,280.00, east 2,542,360.00; thence north azimuth 30°49'59", 4,506.99 feet to Corner 2, north 306,150.00, east 2,544,670.00; thence north azimuth 135°08'57", 5,430.60 feet to Corner 3, north 302,300.00, east 2,548,500.00; thence north azimuth 212°13'54", 3,487.42 feet to Corner 4, north 299,350.00, east 2,546,640.00; thence north azimuth 269°10'16", 2,765.29 feet to Corner 5, north 299,310.00, east 2,543,875.00; thence north azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning.

*"Hand scrape"* means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

*"Pocomoke and Tangier Sounds Management Area (PTSMA)"* means the area as defined in § 28.2-524 of the Code of Virginia.

*"Pocomoke Sound"* means that area northeast from a line from Beach Island Light to the house on the Great Fox Island.

*"Public oyster ground"* means all those grounds defined in § 28.2-551 of the Code of Virginia, all ground set aside as public oyster ground by court order, and all ground set aside

as public oyster ground by order of the Marine Resources Commission.

*"Rappahannock River Drumming Ground Hand Scrape Area"* means that portion of the Rappahannock and Corrotoman River, west of the Route 3 bridge (Norris Bridge), and north of a line from the center of the Route 3 bridge (Norris Bridge) following westward along the channel to Towles Point at Buoy "R6," excluding the Corrotoman River north of a line from Balls Point to Corrotoman Point. (See map.)

*"Rappahannock River Hand Scrape Area"* means that area including all public grounds between a line extending from the eastern-most point of Long Point thence in an easterly direction to flashing red buoy "8"; thence due east to Rogue Point, upriver to a line extending from Tarpley Point; thence in a southwesterly direction to flashing green buoy "13"; thence south-southwesterly to Jones Point. (See map.)

*"Rappahannock River Temples Bay Hand Scrape Area"* means that area in the Rappahannock River, west of the Route 3 bridge (Norris Bridge) and south of a line drawn from the center of the Route 3 bridge (Norris Bridge) upriver to Towles Point continuing the line upriver to red buoy 8; thence across to the southside of the river to Long Point, thence back to the Route 3 bridge (Norris Bridge) along the southern shoreline. (See map.)

*"Tangier Sound"* means that area from Tangier Light North to the Maryland-Virginia line (red buoy #6).

*"Tangier Sound Hand Tong Area"* means that area in the PTSMA south and west of a line from Fishbone Island thence southeast to bell buoy "5", thence south southwest to buoy "3" (such area to include all of Public Ground 3 and Flat Rock) and shall be a hand tong area only (see map) and Cod Harbor (approximately 1,124 acres) beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85; thence south 79°59', east 2,260 feet to a line designating the western extent of the PTSMA as described in § 28.2-524 of the Code of Virginia; thence south 10°16', west 2,800 feet; thence south 28°46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east, 2,728,014.94; thence along the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning. (See map.)

*"Unassigned ground"* means all grounds other than public oyster ground as defined by this chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

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

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

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area: October 1, 2002, through April 30, 2003.
2. James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2002, through April 30, 2003.

3. Seaside of Eastern Shore: for clean cull oysters only, November 1, 2002, through January 31, 2003.

4. That area of Piankatank River, west of the Route 3 bridge: October 1, 2002, through December 31, 2002.

5. The area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point: October 15, 2002, through January 15, 2003.

6. The Rappahannock River Hand Scrape Area: October 15, 2002, through January 15, 2003.

7. The Rappahannock River Drumming Ground Hand Scrape Area: October 15, 2002, through January 15, 2003.

8. The Rappahannock River Temples Bay Hand Scrape Area: November 27, 2002, through January 15, 2003.

9. That area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (PRV6A to PRV6B; and PRV5A to PRV5C, respectively): October 15, 2002, through January 15, 2003.

10. That area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur): October 15, 2002, through January 15, 2003.

11. That area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: October 15, 2002, through January 15, 2003.

12. The following areas of the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island: December 1, 2002, through ~~January 31~~ February 21, 2003.

13. Tangier Sound Hand Tong Areas: December 1, 2002, through ~~January 31~~ February 21, 2003.

14. Little Wicomico River: October 15, 2002, through January 15, 2003.

15. Deep Rock ~~Dredge~~ Patent Tong Area: February 4 10, 2003, through March 31, 2003.

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

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

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except the following areas: that area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; the Rappahannock River Hand Scrape Area; the Drumming Ground Hand Scrape Area; that area of the Piankatank River west of the Route 3 bridge; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan

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# Emergency Regulations

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River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; the Little Wicomico River; the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line; the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island; the Tangier Sound Hand Tong Area; the James River Seed Area; the James River Jail Island and Point of Shoals Clean Cull Areas; and the Deep Rock Dredge Area: October 1, 2002, through September 30, 2003.

2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2003, through September 30, 2003.

3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1 through October 31, 2002, and February 1, 2003, through September 30, 2003; and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

4. That area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Piankatank River west of the Route 3 bridge; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: October 1, 2002, through October 14, 2002 and January 16, 2003, through September 30, 2003.

5. The Rappahannock River Hand Scrape Area: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.

6. The Rappahannock River Drumming Ground Hand Scrape Area: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.

7. The Rappahannock River Temples Bay Hand Scrape Area: January 16, 2003, through September 30, 2003.

8. The following areas of the PTSMA: in Tangier, from Tangier Light north to the Maryland-Virginia line, and in the area of the PTSMA in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Area: October 1, 2002, through November 30, 2002, and February 4, 2003, through September 30, 2003.

9. Little Wicomico River: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.

10. Deep Rock Dredge Patent Tong Area: October 1, 2002, through January 31, February 9, 2003, and April 1, 2003, through September 30, 2003.

## 4 VAC 20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters with shaft tongs longer than 18 feet in total overall length from the following public oyster grounds or unassigned grounds: the James River, including the Deep Water Shoal State Replenishment Seed Area; that area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; that area of the Piankatank River west of the Route 3 bridge; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; the Little Wicomico River; and that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; the Tangier Sound Hand Tong Area; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113. It shall be unlawful for any person to have a hand scrape on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong.

B. It shall be unlawful for any person to harvest shellfish with a dredge from the public oyster grounds who has not first obtained a current gear license to use said dredge, and only at times and in areas as established by the commission can this dredge be used for harvesting on public oyster grounds. In order to be allowed to operate a dredge for harvesting oysters from any public oyster grounds, a harvester must have a current dredge gear license and the cost of this license shall be \$50.

C. It shall be unlawful for any person to harvest shellfish from the Rappahannock River Hand Scrape Area; Drumming Ground Hand Scrape Area; Temples Bay Hand Scrape Area; and the Little Wicomico, Nomini, Coan, Yeocomico, and Lower Machodoc Rivers without first obtaining a valid hand scrape license at a cost of \$50.

D. It shall be unlawful for any person to harvest shellfish with a hand scrape from any public oyster grounds without first obtaining a valid hand scrape license and in accordance with times and areas established by the commission.

E. It shall be unlawful for any person to have more than one hand scrape on board any boat that is harvesting oysters or attempting to harvest oysters from public grounds. It shall be unlawful for any person to have a hand tong on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand scrape.

F. Harvesting with a standard oyster dredge shall be allowed in that area in the ~~Deep Rock Dredge Area~~ and in the PTSMA in Tangier Sound from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, except for the designated hand tong areas. Only a standard oyster dredge (maximum weight 150 pounds with attachment, maximum width of 50 inches, maximum tooth length of four inches, minimum teeth spacing of three inches) may be used.

G. Harvesting with a patent tong (described in § 28.2-509 of the Code of Virginia) shall be allowed in that area known as the Deep Rock Patent Tong Area in the Lower Chesapeake Bay. It shall be unlawful for any person to harvest shellfish

*with a patent tong from any public oyster grounds without first obtaining a valid patent tong license and in accordance with times and areas established by the commission.*

#### **4 VAC 20-720-80. Quotas and harvest limits.**

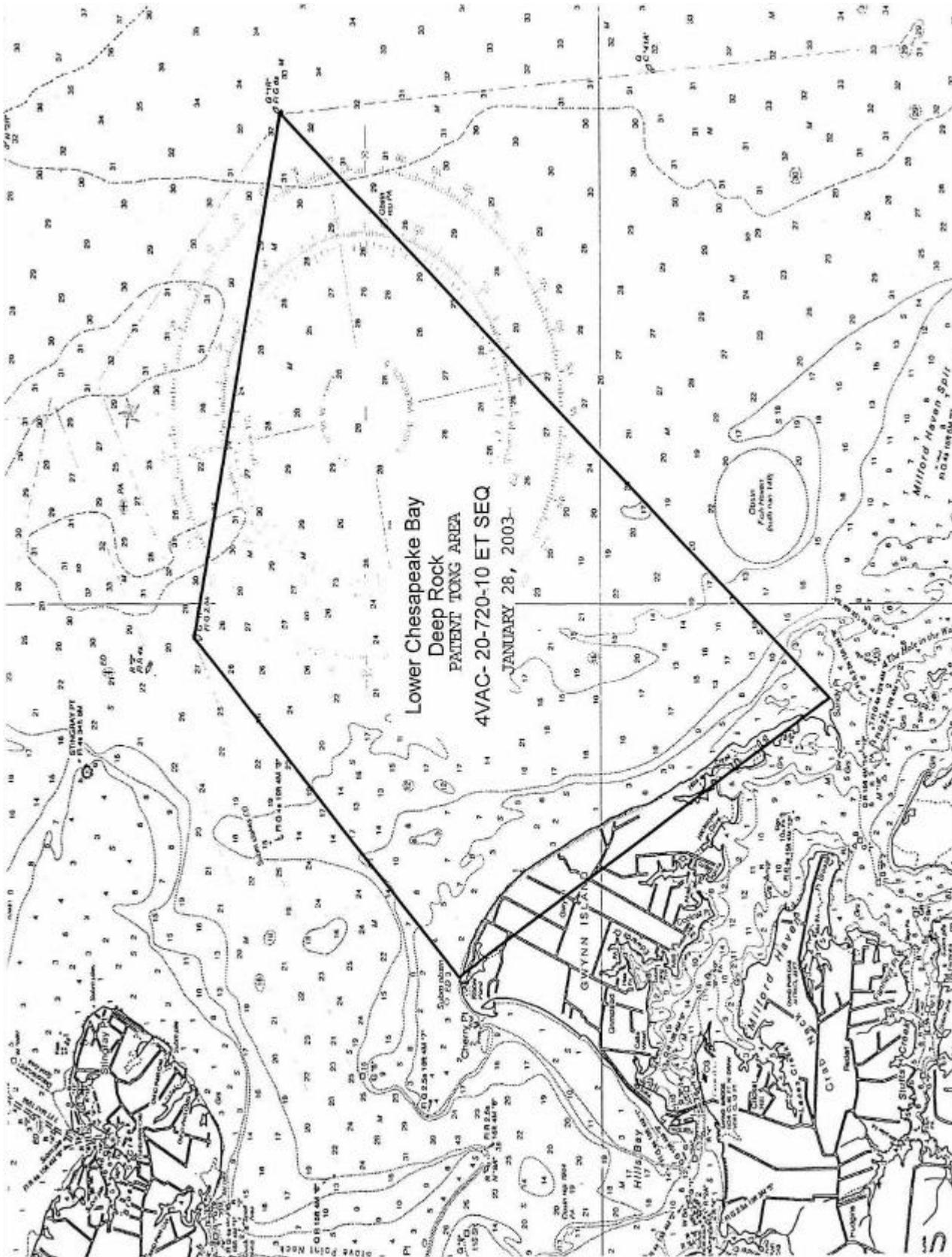
A. In the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, there shall be an oyster harvest quota of 80,000 bushels of seed oysters. It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached. In the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and Clean Cull Areas there shall be an oyster harvest quota of 15,000 bushels of market oysters. It shall be unlawful for any person to harvest market oysters from the James River Seed and Clean Cull Areas after the 15,000 bushel quota has been reached.

B. The lawful daily limit of clean cull oysters harvested from the areas as described in subdivisions 4 through 11 and 13 and 14 of 4 VAC 20-720-40 shall be determined by the number of registered commercial fishermen licensees on board the vessel multiplied by eight bushels. It shall be unlawful to possess on board any vessel or to land more than the daily limit of clean cull oysters.

C. In the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, where harvesting is allowed by dredge, there shall be a harvest limit of 15 bushels per day, per vessel. It shall be unlawful to possess on board any vessel more than 15 bushels per day. No hard clam or blue crab bycatch is allowed. Failure to report oysters harvested on a daily basis or pay oyster taxes shall result in the forfeiture of all harvested oysters and revocation of the dredge gear license for the remainder of the season.

D. In the Deep Rock ~~Dredge~~ *Patent Tong* Area there shall be a harvest limit of 15 bushels per day per vessel. It shall be unlawful to possess on board any vessel or to land more than 15 bushels per day per vessel. No hard clam or blue crab bycatch is allowed.

# Emergency Regulations



VA.R. Doc. No. R03-120; Filed January 31, 2003, 10:59 a.m.

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Title of Regulation: **4 VAC 20-910. Pertaining to Scup (Porgy) (amending 4 VAC 20-910-45).**

Statutory Authority: §§ 28.2-204.1 and 28.2-210 of the Code of Virginia.

Effective Dates: January 31, 2003, through February 28, 2003.

Agency Contact: Deborah R. Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Richmond, VA, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

Summary:

*The amendments limit the commercial harvest and landing of scup to 15,000 pounds of scup during each consecutive seven-day period beginning on February 1. After the initial 85% of the coastwide quota has been harvested, it shall be illegal for more than 1,000 pounds of scup to be harvested or possessed aboard any vessel landed in Virginia.*

**4 VAC 20-910-45. Possession limits and harvest quotas.**

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to ~~possess aboard any vessel or to land in Virginia more than 10,000 pounds of scup; except when it is projected and announced that 85% of the coastwide quota for this period has been landed, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,000 pounds of scup.~~ do any of the following:

1. Possess aboard any vessel in Virginia waters more than 15,000 pounds of scup.
2. Land in Virginia more than a total of 15,000 pounds of scup during each consecutive seven-day period with the first seven-day period beginning on February 1.

B. When it is announced that 85% of the coastwide quota for the period described in subsection A of this section has been taken, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia waters more than 1,000 pounds of scup.
2. Land in Virginia more than a total of 1,000 pounds of scup during each consecutive seven-day period with the first seven-day period beginning on February 1.

~~B.~~ C. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 2,000 pounds of scup; except when it is announced that 70% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 500 pounds of scup, until such time that the coastwide quota for this period has been reached.

~~G.~~ D. During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to 4,987 pounds.

~~D.~~ E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

~~E.~~ F. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

~~F.~~ G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 50 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc R03-121; January 31, 2003, 10:18 a.m.



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# FORMS

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## TITLE 9. ENVIRONMENT

### VIRGINIA WASTE MANAGEMENT BOARD

**EDITOR'S NOTICE:** The following form has been revised by the Virginia Waste Management Board. The form is available for public inspection at the Virginia Waste Management Board, 629 E. Main Street, Richmond, VA 23219. Copies of the form may be obtained from the Virginia Waste Management Board, 629 E. Main Street, Richmond, VA 23219, telephone (804) 698-4378.

**Title of Regulation: 9 VAC 20-130. Regulations for the Development of Solid Waste Management Plans.**

#### FORMS

~~Form DEQ 50-25~~, Solid Waste Information and Assessment Program - Reporting Table, *DEQ Form 50-25* (rev. 6/00).

Locality Recycling Rate Report, *DEQ Form 50-30* (rev. 40/12/04 1/03).

### STATE WATER CONTROL BOARD

**EDITOR'S NOTICE:** The following form used in five separate regulations has been revised by the State Water Control Board. The form is available for public inspection at the State Water Control Board, 629 E. Main Street, Richmond, VA 23219. Copies of the form may be obtained from the State Water Control Board, 629 E. Main Street, Richmond, VA 23219, telephone (804) 698-4378.

**Title of Regulation: 9 VAC 25-210. Virginia Water Protection Permit Program Regulation.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 8/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (rev. 10/02).

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**Title of Regulation: 9 VAC 25-660. Virginia Water Protection General Permit for Impacts Less than One-Half of an Acre.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 8/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 8/04 rev. 10/02).

Virginia Water Protection General Permit Registration Statement (eff. 8/01).

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**Title of Regulation: 9 VAC 25-670. Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 8/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 8/04 rev. 10/02).

Virginia Water Protection General Permit Registration Statement (eff. 8/01).

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**Title of Regulation: 9 VAC 25-680. Virginia Water Protection General Permit for Linear Transportation Projects.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 8/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 8/04 rev. 10/02).

Virginia Water Protection General Permit Registration Statement (eff. 8/01).

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**Title of Regulation: 9 VAC 25-690. Virginia Water Protection General Permit for Impacts from Development Activities.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 10/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 10/04 rev. 10/02).

Virginia Water Protection General Permit Registration Statement (eff. 10/01).



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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF CRIMINAL JUSTICE SERVICES

### Division of Forensic Science

#### Approved Preliminary Breath Test Devices

Statutory Authority: §§ 18.2-267 and 18.2-268.9 of the Code of Virginia.

In accordance with 6 VAC 20-190-180 of the Regulations for Breath Alcohol Testing and under authority of the Code of Virginia, the following devices are approved for use as preliminary breath test devices:

1. The ALCO-SENSOR, ALCO-SENSOR II, ALCOSENSOR III, and ALCO-SENSOR IV, manufactured by Intoximeters, Inc., St. Louis, Missouri.
2. The CMI SD 2 and CMI SD 5, manufactured by Lyon Laboratories, Barry, United Kingdom.
3. The INTOXILYZER 400PA, manufactured by CMI, Inc., Owensboro, Kentucky.
4. The LIFELOC PBA 3000\* and LIFELOC FC10, manufactured by Lifeloc Inc., Wheat Ridge, Colorado.  
\*When used in the direct sensing mode only.

The following devices are no longer on the approved list:

The ALCOLYSER, manufactured by Lyon Laboratories, Ltd., Cardiff, Wales, United Kingdom.

The PREVENT, manufactured by BHP Diagnostix, West Chester, Pennsylvania.

The A.L.E.R.T. (Alcohol Level Evaluation Road Tester), Models J2A, J3A, and J3AC, manufactured by Alcohol Countermeasure Systems, Inc., Port Huron, Michigan.

In accordance with 6 VAC 20-190-100 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268.9 of the Code of Virginia, for evidential breath test devices, mouthpieces that are compatible with the specific testing device are approved as supplies for use in conducting breath tests on approved breath test devices

DELETE references to ampuls as approved supplies.

In accordance with 6 VAC 20-190-90 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268.9 of the Code of Virginia, the following breath test device is approved for use in conducting breath tests:

The Intoxilyzer, Model 5000, CD/FG5 [previously listed as the 768VA], equipped with the Virginia test protocol, simulator monitor, and external printer, manufactured by CMI, Inc., Owensboro, Kentucky.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Total Maximum Daily Loads (TMDLs) for Abrams Creek

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the

development of Total Maximum Daily Loads (TMDLs) for Abrams Creek. This stream is listed on the 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for Fecal Coliform and the General Standard (Benthics). The Abrams Creek stream segment is located in the city of Winchester and Frederick County. It is 10.8 miles in length and begins at the headwaters and continues to the confluence with Opequon Creek.

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

The first public meeting on the development of the Abrams Creek TMDLs will be held on Thursday, March 13, 2003, at 7 p.m. in the Henkel Building's Hester Auditorium, which is located on the campus of Shenandoah University at 1460 University Drive in Winchester, Virginia. Driving directions are available at [http://www.su.edu/find\\_us.asp](http://www.su.edu/find_us.asp) and a campus map at [http://www.su.edu/campus\\_map1.html](http://www.su.edu/campus_map1.html).

The public comment period for this phase of the TMDL development will end on April 12, 2003. A fact sheet on the development of the Abrams Creek TMDL is available upon request. Questions or information requests should be addressed to Sandra Mueller. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Sandra T. Mueller, Department of Environmental Quality, 629 E. Main Street, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, or e-mail [stmueller@deq.state.va.us](mailto:stmueller@deq.state.va.us).

### Total Maximum Daily Loads (TMDLs) to Address Multiple Impairments in the Middle River Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address multiple impairments in the Middle River watershed. The subject stream segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for bacteria, the General Standard (benthics), or both. The bacteria impairments include 15.7 miles on Upper Middle River, 12.1 miles on Lewis Creek, 7.3 miles on Polecat Draft, 18.1 miles on Lower Middle River, 12.6 miles on South River, and 8.73 miles on Moffett Creek. The benthic impairments include 15.7 miles on Upper Middle River, 12.1 miles on Lewis Creek, and 8.73 miles on Moffett Creek.

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

The first public meeting on the development of TMDLs to address the impairments in the subject stream segments will be held on Tuesday, March 4, 2003, at 7 p.m. at the Augusta County Government Center's Board Room, located at 18 Government Center Lane in Verona, Virginia. Directions and a

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## General Notices/Errata

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map to the location are available at [http://www.mme.state.va.us/Dmm/Training\\_Schedule/veronadir.pdf](http://www.mme.state.va.us/Dmm/Training_Schedule/veronadir.pdf).

The public comment period for this phase of the TMDL will end on April 3, 2003. A fact sheet on the development of the TMDLs for the benthic impairments is available upon request. Questions or information requests should be addressed to Sandra Mueller. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Sandra T. Mueller, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, or e-mail [stmueller@deq.state.va.us](mailto:stmueller@deq.state.va.us).

### **Total Maximum Daily Loads (TMDLs) for Linville Creek**

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for Linville Creek. This stream is listed on the 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for Fecal Coliform and the General Standard (Benthics). The Linville Creek stream segment is located in Rockingham County. It is 13.6 miles in length and begins at the headwaters and continues to the confluence with the North Fork of the Shenandoah River.

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

The final public meeting on the development of the Linville Creek TMDLs will be held on Wednesday, March 5, 2003, at 7 p.m. at Broadway High School, located at 269 Gobbler Drive in Broadway, Virginia. Directions to the school are available at:

<http://www.rockingham.k12.va.us/RCPS/directions.html>.

A copy of the draft TMDL documents addressing the Linville Creek impairments will be ready for review on March 3, 2003. The public comment period will run from March 3, 2003, to April 2, 2003. Questions or information requests should be addressed to Sandra Mueller. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Sandra T. Mueller, Department of Environmental Quality, 629 E. Main Street, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, or e-mail [stmueller@deq.state.va.us](mailto:stmueller@deq.state.va.us).

### **STATE WATER CONTROL BOARD**

#### **Consent Order Amendment Liberty High School**

The Virginia Department of Environmental Quality, State Water Control Board and the Bedford County Public School Board have agreed to a Consent Order amendment under the State Water Control Law, regarding Liberty High School in Bedford County, Virginia. The department will consider written

comments relating to this action for 30 days from the date of publication of this notice. Comments must include the commenter's name, address, and phone number and can be e-mailed to [jrford@deq.state.va.us](mailto: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](http://www.deq.state.va.us/enforcement/notices.html) and at the above office during regular business hours. Copies may be requested from Jerry R. Ford, Jr. at the address above or at (540) 562-6817.

#### **Proposed Consent Special Order Camp Fincastle**

The Virginia Department of Environmental Quality, State Water Control Board and the Trustees of the Presbytery of the Peaks, Inc. have agreed to a Consent Order under the State Water Control Law, regarding Camp Fincastle in Botetourt County, Virginia. The department will consider written comments relating to this action for 30 days from the date of publication of this notice. Comments must include the commenter's name, address, and phone number and can be e-mailed to [jrford@deq.state.va.us](mailto: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](http://www.deq.state.va.us/enforcement/notices.html) and at the above office during regular business hours. Copies may be requested from Jerry R. Ford, Jr. at the address above or at (540) 562-6817.

#### **Proposed Consent Special Order Mr. H.N. Barnhart**

The State Water Control Board (SWCB) proposes to issue a Consent Special Order (CSO) to Mr. H.N. Barnhart regarding settlement of a civil enforcement action related to compliance with the Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to: Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019.

The final CSO is available at [www.deq.state.va.us/enforcement/notices.html](http://www.deq.state.va.us/enforcement/notices.html) and at the above office during regular business hours. Copies may be requested from Mr. Steele at the address above or at (540) 562-6777.

#### **Proposed Consent Special Order Myles J. Goger**

The State Water Control Board proposes to enter into a consent special order with Myles J. Goger. 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.

**ERRATA**

**MARINE RESOURCES COMMISSION**

Title of Regulation: **4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest.**

Publication: 19:9 VA.R. 1339-1343 January 13, 2003.

Correction to Final Regulation:

Page 1342, in 4 VAC 20-720-80, insert the following subsection:

D. In the Deep Rock Dredge Area there shall be a harvest limit of 15 bushels per day per vessel. It shall be unlawful to possess on board any vessel or to land more than 15 bushels per day per vessel. No hard clam or blue crab bycatch is allowed.

Mr. Goger owns a UST facility located at 280 Valley Street in Scottsville, Virginia. Mr. Goger stores 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. Goger to be in violation of the regulation. The proposed order will require that Mr. Goger perform release detection on all USTs and product lines in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to [dcrobinett@deq.state.va.us](mailto:dcrobinett@deq.state.va.us). In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

**VIRGINIA CODE COMMISSION**

**Notice to State Agencies**

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

**Forms for Filing Material for Publication in *The Virginia Register of Regulations***

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**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

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# CALENDAR OF EVENTS

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## 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](http://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

### COMMONWEALTH COUNCIL ON AGING

**March 6, 2003 - 9 a.m.** -- Open Meeting

Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Public Relations Committee. Public comments are welcome.

**Contact:** Robin Brannon, Communications Director, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9323.

**March 6, 2003 - 10 a.m.** -- Open Meeting

Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments are welcome.

**Contact:** Marsha Mucha, Administrative Staff Assistant, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

### VIRGINIA AGRICULTURAL COUNCIL

† **March 24, 2003 - 9 a.m.** -- Open Meeting

† **March 25, 2003 - 8 a.m.** -- Open Meeting

Holiday Inn Monticello, 1200 5th Street, Charlottesville, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to hear and act upon agricultural project proposals for financial assistance through the Virginia Agricultural Council. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Thomas Yates at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Thomas R. Yates, Executive Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 509, Richmond, VA 23219, telephone (804) 786-6060, FAX (804) 371-8372, (800) 828-1120/TTY ☎

### STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

**March 13, 2003 - 9 a.m.** -- Open Meeting

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.♿

The board will meet to discuss issues related to Virginia agriculture and consumer services. 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 Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail [jknight@vdacs.state.va.us](mailto:jknight@vdacs.state.va.us).

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**March 13, 2003 - 10 a.m.** -- Public Hearing

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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](mailto:ffulgham@vdacs.state.va.us).

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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](mailto:jrogers@vdacs.state.va.us).

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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](mailto:ffulgham@vdacs.state.va.us).

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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 (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](mailto:jbeers@vdacs.state.va.us).

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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](mailto:jbeers@vdacs.state.va.us).

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# Calendar of Events

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**May 13, 2003 - 10 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, 2nd Floor Board  
Room, Richmond, Virginia.

**May 15, 2003** - Public comments may be submitted until 5 p.m. on this date.

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

Statutory Authority: § 58.1-3230 of the Code of Virginia; Chapter 705 of the 2001 Acts of Assembly.

**Contact:** Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945, or e-mail lredford@vdacs.state.va.us.

### Virginia State Apple Board

† **February 26, 2003 - 1 p.m.** -- Open Meeting  
Rowe's Restaurant, 74 Rowe Road (intersection of I-81/Route 250), Staunton, Virginia ☎

The board will meet to approve the minutes of the last meeting held on January 27, 2003, and review its financial statement. The board is expected to discuss old business arising from the last 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 one day before the meeting date so that suitable arrangements can be made.

**Contact:** Dave Robishaw, Secretary, Virginia State Apple Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156.

## Virginia Cotton Board

**March 10, 2003 - 9:15 a.m.** -- Open Meeting  
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. ☎

The board's agenda will include discussions and approval of contractual arrangements with national and regional organizations, reports of programs and projects funded over the past year, hearing of Project Proposal Grant Requests on cotton by VPI and SU, VSU, and other groups for the year 2003-04. During the meeting, financial reports will be heard and approved. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Gail Moody Milteer at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Gail Moody Milteer, Program Director, Virginia Cotton Board, 1100 Armory Dr., Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104.

## Virginia Dark-Fired Tobacco Board

† **March 14, 2003 - 10 a.m.** -- Open Meeting  
Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia. ☎

The board will meet to review and consider approval of minutes of the last meeting. In addition, the board's financial statement will be reviewed and the budget for FY03 approved. During the meeting, the board will consider funding proposals for research, promotion, and education projects pertaining to the Virginia dark-fired tobacco industry. Other business that may come before the board will be considered as well. 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:** D. Stanley Duffer, Secretary, Virginia Dark-Fired Tobacco Board, P.O. Box 129, Halifax, VA 24558, telephone (434) 572-4568, FAX (434) 572-8234.

## Farmland Preservation Task Force

† **February 26, 2003 - 10 a.m.** -- Open Meeting  
James City-Williamsburg Community Center, 5301 Longhill Road, Williamsburg, Virginia. ☎

The VDACS Farmland Preservation Task Force has the responsibility of developing a proposed Purchase of Development Rights (PDR) Program for the state and at this session, the task force will continue their work on the program. Any person who needs any accommodation in order to participate at the meeting should contact William P. Dickinson, Jr., at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** William P. Dickinson, Jr., Assistant Commissioner, Department of Agriculture and Consumer Services, P.O. Box

1163, Richmond, VA 23218, telephone (804) 786-3502, FAX (804) 371-2945, toll-free (800) 828-1120, e-mail wdickinson@vdacs.state.va.us.

## Virginia Marine Products Board

† **March 18, 2003 - 6 p.m.** -- Open Meeting  
Goodfellow's Restaurant, Route 17, Gloucester, Virginia. 

The board will meet to read and approve minutes of the previous board meeting. The board's financial report will be approved. In addition, board will hear reports on trade shows, festivals, industry tours, calendar sales, and cooperative programs with the Virginia Department of Agriculture and Consumer Services and croaker exports. 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 Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Blvd., Suite B, Newport News, VA 23608, telephone (757) 874-3474, FAX (757) 886-0671.

## Virginia Sheep Industry Board

† **February 26, 2003 - 10 a.m.** -- Open Meeting  
Virginia Horse Center, 487 Maury River Road, Lexington, Virginia. 

The board will review and, if appropriate, approve the minutes of the January 10, 2003 meeting. The board will review all project proposals and approve spending projects for the 2003-04 fiscal year. In addition, the 2004 fiscal year budget will be discussed and approved. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least one day before the meeting date so that suitable arrangements can be made.

**Contact:** Michael Carpenter, Program Director, Department of Agriculture and Consumer Services, 116 Reservoir St., Harrisonburg, VA 22801, telephone (540) 434-0779, FAX (540) 434-5607.

## Virginia Soybean Board

**March 6, 2003 - 8 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

The board will discuss checkoff revenues resulting from sales of the 2002 soybean crop and approve previous meeting minutes. The board will also hear project reports for FY 2002-2003 and project proposals for FY 2003-2004 and make funding decisions for the fiscal year which begins July 1, 2003. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T.

Hickman at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.

## STATE AIR POLLUTION CONTROL BOARD

† **April 9, 2003 - 9 a.m.** -- Public Hearing  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

† **April 25, 2003** -- Public comment 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**. The purpose of the proposed action is to amend the regulations for the control and abatement of air pollution relative to controlling emissions from municipal solid waste landfills.

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

Public comments may be submitted until 5 p.m. on April 25, 2003.

**Contact:** Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510 or e-mail kgsabastea@deq.state.va.us.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**February 24, 2003 - 9 a.m.** -- Open Meeting

**March 10, 2003 - 9 a.m.** -- Open Meeting

**March 24, 2003 - 9 a.m.** -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting for receipt and discussion of reports and activities from staff members. Other matters are not yet determined.

**Contact:** W. Curtis Coleburn, III, 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, e-mail wccolen@abc.state.va.us.

## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

† **March 3, 2003 - 10 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission,

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## Calendar of Events

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1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail jlhoneycutt@vdh.state.va.us.

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

**March 12, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4W, 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 apelsla@dpor.state.va.us.

### **ART AND ARCHITECTURAL REVIEW BOARD**

**March 7, 2003 - 10 a.m.** -- Open Meeting  
**April 4, 2003 - 10 a.m.** -- Open Meeting  
**May 2, 2003 - 10 a.m.** -- Open Meeting  
Science Museum of Virginia, 2500 West Broad 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](http://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 Street, #221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎, e-mail rlfia@aol.com.

### **VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**

**March 25, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

**Contact:** David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

## **OFFICE OF COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES**

### **State Executive Council**

† **February 26, 2003 - 9 a.m.** -- Open Meeting  
† **March 26, 2003 - 9 a.m.** -- Open Meeting  
† **April 30, 2003 - 9 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Lower Level Room 3, Richmond, Virginia. ♿

The meeting is generally held the last Wednesday of each month at the Department of Social Services, Lower Level Room 3. For traveling directions, please call (804) 692-1100.

**Contact:** Alan G. Saunders, Director, Office of Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

## **DEPARTMENT FOR THE BLIND AND VISION IMPAIRED**

### **Board for the Blind and Vision Impaired**

† **April 8, 2003 - 1 p.m.** -- Open Meeting  
397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review information regarding department activities and operations, review expenditures from board endowment fund, and discuss other issues raised for the board members.

**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, or e-mail proffikc@dbvi.state.va.us.

### **Statewide Rehabilitation Council for the Blind**

**March 8, 2003 - 10 a.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the department on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

**Contact:** James G. Taylor, VR Program Director, Department for the 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.

## CEMETERY BOARD

**February 26, 2003 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

**Contact:** Christine Martine, 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 cemetery@dpor.state.va.us.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **March 10, 2003 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Main Level,  
Conference Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct general business including review of local Chesapeake Bay Preservation Area programs. The board will also discuss approval of regulatory guidance documents. A tentative agenda will be available in mid-February. Public comment will be taken.

**Contact:** Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

## STATE CHILD FATALITY REVIEW TEAM

† **March 14, 2003 - 10 a.m.** -- Open Meeting  
† **May 9, 2003 - 10 a.m.** -- Open Meeting  
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 

The business portion of the State Child Fatality Review Team meeting, from 10 a.m. to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

**Contact:** Virginia Powell, Coordinator, State Child Fatality Review Team, 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

† **March 19, 2003 - 12:30 p.m.** -- Open Meeting  
John Tyler Community College, BIGS Center, Featherstone,  
1807 Huguenot Road, Midlothian, Virginia.  (Interpreter for the deaf provided upon request)

The State Board for Community Colleges will hold a seminar for its members on Blackboard. This is a working session and no state board action will be taken.

**Contact:** D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, VCCS, 101 N. 14th St., 15th

Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

† **March 19, 2003 - 1:30 p.m.** -- Open Meeting  
John Tyler Community College, BIGS Center, Featherstone Professional Center, 1807 Huguenot Road, Midlothian, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic and Student Affairs Committee, the Audit Committee, and the Budget and Finance Committee. At 3 p.m. on March 19, the Facilities and the Personnel Committees will meet. At 4:30 p.m., a meeting of the Executive Committee will be held.

**Contact:** D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, VCCS, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

† **March 20, 2003 - 9 a.m.** -- Open Meeting  
Godwin-Hamel Board Room, James Monroe Building, 15th Floor, 101 North 14th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

**Contact:** D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, VCCS, 15th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

## COMPENSATION BOARD

† **March 19, 2003 - 11 a.m.** -- Open Meeting  
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.

## DEPARTMENT OF CONSERVATION AND RECREATION

### Falls of the James Scenic River Advisory Board

† **March 13, 2003 - Noon** -- Open Meeting  
† **April 10, 2003 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

**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.

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# Calendar of Events

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## Virginia Soil and Water Conservation Board

**March 20, 2003 - 9:30 a.m.** -- Open Meeting  
Department of Forestry, 470 George Dean Drive, Old Route 29 South and Fontaine Avenue, Charlottesville, Virginia.

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](mailto:leonapp@dcr.state.va.us).

## BOARD FOR CONTRACTORS

**February 25, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

**February 27, 2003 - 10 a.m.** -- Open Meeting  
Town of Wytheville, Government Center, 150 E. Main Street, Wytheville, Virginia.  (Interpreter for the deaf provided upon request)

**March 5, 2003 - 2:30 p.m.** -- Open Meeting

**March 11, 2003 - 9 a.m.** -- Open Meeting

**March 25, 2003 - 9 a.m.** -- Open Meeting

**April 1, 2003 - 9 a.m.** -- Open Meeting

**April 8, 2003 - 9 a.m.** -- Open Meeting

**April 29, 2003 - 9 a.m.** -- Open Meeting

**May 6, 2003 - 9 a.m.** -- Open Meeting

**May 7, 2003 - 1:30 p.m.** -- Open Meeting

**† May 13, 2003 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Earlyne Perkins, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0946, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail [perkins@dpor.state.va.us](mailto:perkins@dpor.state.va.us).

## Contractor Recovery Fund

**March 18, 2003 - 9 a.m.** -- Open Meeting

**April 22, 2003 - 9 a.m.** -- Open Meeting

**May 7, 2003 - 1:30 p.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to this

meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Victoria S. Traylor, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail [perkins@dpor.state.va.us](mailto:perkins@dpor.state.va.us).

## BOARD OF COUNSELING

**† February 26, 2003 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. 

The Informal Conference Committee will meet to hold informal conferences pursuant to § 2.2-4019 of the Code of Virginia. The committee will meet in open and closed sessions.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, 6603 W. Broad St., 6th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail [coun@dhp.state.va.us](mailto:coun@dhp.state.va.us).

**† February 27, 2003 - 10 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

The Credentials Committee will meet to review and discuss applicant credentials. The committee will meet in closed session

**Contact:** Joyce D. Williams, Administrative Assistant, Board of Counseling, 6603 W. Broad St., 6th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail [coun@dhp.state.va.us](mailto:coun@dhp.state.va.us).

**February 28, 2003 - 10:15 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A general business meeting, including reports from standing committees and adoption of proposed regulations for continuing education. Public comment will be received at the beginning of the meeting.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [evelyn.brown@dhp.state.va.us](mailto:evelyn.brown@dhp.state.va.us).

## BOARD OF DENTISTRY

**February 28, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

**† March 7, 2003 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

The Special Conference Committee will hold informal hearings. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail CEmma-Leigh@dhp.state.va.us.

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**February 28, 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 Board of Dentistry intends to amend regulations entitled: **18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene.** The purpose of the proposed action is to replace emergency regulations for voluntary practice by out-of-state dentists or dental hygienists and for temporary permits for dentists.

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

Public comments may be submitted until February 28, 2003, to Sandra K. Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

† **March 7, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, 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 Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail CEmma-Leigh@dhp.state.va.us.

† **April 4, 2003 - 9 a.m.** -- Public Hearing  
Board Room 1, Fifth Floor, 6603 West Broad Street, Richmond, Virginia.

† **April 25, 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 Board of Dentistry intends to amend regulations entitled: **18 VAC 60-20. Virginia Board of Dentistry Regulations.** The purpose of the proposed action is to replace emergency regulations for general supervision of the practice of dental hygienists by dentists.

Statutory Authority: §§ 54.1-2400 and 54.1-2722 of the Code of Virginia.

Public comments may be submitted until April 25, 2003 to Sandra K. Reen, Executive Director, Board of Dentistry, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

## DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**March 20, 2003 - 11 a.m.** -- Open Meeting

**April 17, 2003 - 11 a.m.** -- Open Meeting

† **May 15, 2003 - 11 a.m.** -- Open Meeting

8th Street Office Building, 3rd Floor, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use D-B or Construction Management type contracts. Please contact Div. of Engineering and Buildings to confirm meeting. Board Rules and Regulations can be obtained online at [www.dgs.state.va.us](http://www.dgs.state.va.us) under the DGS Forms, Form # DGS-30-904.

**Contact:** Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Rm. 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

## BOARD OF EDUCATION

**February 26, 2003 - 9 a.m.** -- Open Meeting

**March 26, 2003 - 9 a.m.** -- Open Meeting

**April 29, 2003 - 9 a.m.** -- Open Meeting

**April 30, 2003 - 9 a.m.** -- Open Meeting

**May 1, 2003 - 9 a.m.** -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

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 72 hours 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.

## Advisory Board on Teacher Education and Licensure

**March 17, 2003 - 9 a.m.** -- Open Meeting

George Mason University, Fairfax, Virginia.

**April 21, 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 regular meeting. Persons requesting the services of an interpreter for the deaf should do so at least 72 hours in

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# Calendar of Events

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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.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

† **March 4, 2003 - 7 p.m.** -- Public Hearing  
Augusta County Government Center, 18 Government Center Lane, Board Room, Verona, Virginia. 

The first public meeting on the development of TMDLs to address the impairments in several segments in the Middle River. The comment period closes on April 3, 2003.

**Contact:** Sandra Mueller, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, e-mail stmuller@deq.state.va.us.

**March 4, 2003 - 7 p.m.** -- Public Hearing  
Chase City Butler Memorial Public Library, 515 North Marshall Street, Chase City, Virginia. 

A public hearing to receive comments on the technical aspects of the facility's ground water monitoring program that sets standard procedures for the sampling, analysis and statistical review of ground water data. The comment period closes on March 19, 2003.

**Contact:** Geoff Christe, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.state.va.us.

† **March 5, 2003 - 7 p.m.** -- Open Meeting  
Broadway High School, 269 Gobbler Drive, Broadway, Virginia. 

The final public meeting on the development of the Linville Creek fecal coliform and benthics TMDLs. The Linville Creek TMDL segment is in Rockingham County. The public comment period closes on April 2, 2003.

**Contact:** Sandra Mueller, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, (804) 698-4021/TTY , e-mail stmuller@deq.state.va.us.

† **March 13, 2003 - 7 p.m.** -- Open Meeting  
Shenandoah University, Henkel Building, Hester Auditorium, 1460 University Drive, Winchester, Virginia. 

The first public meeting on the development of fecal coliform and benthic TMDL for an approximately 10.8 mile stretch of Abrams Creek located in the City of Winchester and Frederick County. The public comment period closes on April 12, 2003.

**Contact:** Sandra Mueller, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, (804) 698-4021/TTY , e-mail stmuller@deq.state.va.us.

† **March 13, 2003 - 7 p.m.** -- Public Hearing  
Bristol Public Library, 701 Goode Street, Bristol, Virginia. 

A public hearing to receive comments on the technical aspects of the City of Bristol Sanitary Landfill's groundwater monitoring program which sets standard procedures for the sampling, analysis and statistical review of groundwater data. The comment period closes on March 28, 2003.

**Contact:** Geoff Christe, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.state.va.us.

† **March 14, 2003 - 7 p.m.** -- Public Hearing  
Southside Regional Library, 10 Washington Street, Boydton, Virginia. 

A public hearing to receive comments on the technical aspects of the Mecklenburg County Sanitary Landfill's groundwater monitoring program which sets standard procedures for the sampling, analysis and statistical review of groundwater data. The comment period closes on March 31, 2003.

**Contact:** Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.state.va.us.

## Ground Water Protection Steering Committee

**March 18, 2003 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering Committee, an interagency advisory committee formed to stimulate, strengthen and coordinate ground water protection activities in the Commonwealth. The meeting is open to the public and additional information is available from the contact listed below.

**Contact:** Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, e-mail mamassie@deq.state.va.us.

## Recycling Markets Development Council

† **May 13, 2003 - 10 a.m.** -- Open Meeting  
Henrico Training Center, 7701 East Parham Road, Glen Allen, Virginia. 

A regular meeting.

**Contact:** G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, e-mail gscocoe@deq.state.va.us.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **February 25, 2003 - 9 a.m.** -- Open Meeting  
† **March 25, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

The board will convene in an informal conference to hear possible violations of the laws and regulations governing the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

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**February 28, 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 Board of Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to establish criteria for locating a branch establishment, to update requirements for a preparation room, and to provide greater assurance that all state and federal rules related to the provision of funeral services are being followed.

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

Public comments may be submitted until February 28, 2003, to Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 West Broad Street, Richmond, VA 23230-1717.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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**February 28, 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 Board of Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to comply with Chapter 270 of the 2002 Acts of Assembly mandating the board to promulgate regulations to establish continuing education requirements for renewal of a license to ensure competency of the practitioners.

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

Public comments may be submitted until February 28, 2003, to Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 West Broad Street, Richmond, VA 23230-1717.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **March 19, 2003 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

The board will convene in a formal administrative hearing to hear possible violations of the laws and regulations governing the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

## BOARD OF GAME AND INLAND FISHERIES

**March 6, 2003 - 9 a.m.** -- Open Meeting

Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The board will meet and intends to propose amendments to regulations governing game wildlife, hunting and trapping. This is the regular biennial review for these regulations, with the resulting amended regulations intended to be in effect July 2003 through June 2005. The board is exempted from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia. Under board procedures, regulatory actions occur over two sequential board meetings. At the March 6 meeting, Department of Game and Inland Fisheries' staff will present recommendations for regulatory amendments, the board will solicit and hear comments from the public in a public hearing, and the board then intends to propose regulations or regulation amendments. Any proposed regulatory actions will be published in the Virginia Register of Regulations, posted on the internet at [www.dgif.state.va.us](http://www.dgif.state.va.us), and summaries advertised in newspapers. A public comment period on any proposed regulations begins March 6 and closes May 1, 2003. Adoption of any regulations or regulation amendments as final will take place at the subsequent board meeting, to be held May 1, 2003. The board is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final regulations. The board also may: discuss general and administrative issues; hold a closed session at some time during the March 6 meeting; and elect to hold a dinner Wednesday evening, March 5, 2003, at a location and time to be determined.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail [Regcomments@dgif.state.va.us](mailto:Regcomments@dgif.state.va.us).

## GEORGE MASON UNIVERSITY

† **March 20, 2003 - 9 a.m.** -- Open Meeting

**May 8, 2003 - 9 a.m.** -- Open Meeting

George Mason University, Mason Hall, Lower Level, Fairfax, Virginia. ☎

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# Calendar of Events

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A meeting of the Board of Visitors. Please call for agenda information.

**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.

## STATE BOARD OF HEALTH

**April 1, 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 adopt regulations entitled: **12 VAC 5-218. Rules and Regulations Governing Outpatient Health Data Reporting.** The purpose of the proposed action is to establish requirements and procedures for the reporting of outpatient patient level data.

Statutory Authority: §§ 32.1-12 and 32.1-276.6 of the Code of Virginia.

**Contact:** Calvin Reynolds, Director, Health Statistics, Department of Health, 1601 Willow Lawn Drive, Suite 237, Richmond, VA 23230, telephone (804) 662-6276, FAX (804) 662-7261 or e-mail: creynolds@vdh.state.va.us.

**April 25, 2003 - 9 a.m.** -- Open Meeting  
Department of Health, Main Street Station, 1500 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ☎

A general business and working meeting.

**Contact:** Rene Cabral-Daniels, Director, Office of Health Policy, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-3561.

## Biosolids Use Regulations Advisory Committee

† **March 20, 2003 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 1st Floor, Room B, Richmond, Virginia. ☎

A meeting to discuss issues involved with possible revisions to the Biosolids Use Regulations concerning land application of biosolids followed by a meeting of the Biosolids Use Information Committee (BUIC) to obtain information on agronomic issues.

**Contact:** Cal Sawyer, Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail csawyer@vdh.state.va.us.

## State Emergency Medical Services Advisory Board

**May 8, 2003 - 3 p.m.** -- Open Meeting  
Office of EMS, 1538 East Parham Road, Richmond, Virginia.

A meeting of the Regulation and Policy Committee.

**Contact:** David E. Cullen, Jr., Manager, Division of Enforcement and Compliance, Advisory Board of State Emergency Medical Services, 1538 E. Parham Rd.,

Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail dcullen@vdh.state.va.us.

**May 9, 2003 - 1 p.m.** -- Open Meeting  
The Place at Innsbrook, 4036-C Cox Road, Glen Allen, Virginia.

A quarterly meeting.

**Contact:** Gary R. Brown, Director, 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 Collection and Treatment Regulations Advisory Committee

† **March 14, 2003 - 10 a.m.** -- Open Meeting  
Henrico County Government Center, 4301 Parham Road, County Manager's Conference Room, 3rd Floor, Richmond, Virginia. ☎

A meeting of the SCAT Regulations Advisory Committee to discuss issues concerning implementation of these regulations for the design and construction of sewage collection systems and sewage treatment works.

**Contact:** C. M. Sawyer, P.E., Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Rm. 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail csawyer@vdh.state.va.us.

## DEPARTMENT OF HEALTH PROFESSIONS

**February 28, 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 Department of Health Professions intends to adopt regulations entitled: **18 VAC 76-30. Public Participation Guidelines.** The purpose of the proposed action is to provide guidelines for public participation in the process of developing and promulgating regulations to implement programs under the authority of the Director of the Department of Health Professions. These regulations are also intended to enable electronic communication, notification and comment in the development of regulations and to provide for involvement and advice from persons with specialized interest and knowledge.

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

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

**April 18, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 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, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**February 27, 2003 - 9 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

The Codes and Standards Committee is scheduled to review and evaluate public comment and requested amendments to proposed regulations and develop recommendations for the full board for final regulations for the following regulations: Virginia Certification Standards (13 VAC 5-21), Virginia Amusement Device Regulations (13 VAC 5-31), Virginia Uniform Statewide Building Code (13 VAC 5-61), Standards Governing Operations of Individual and Regional Code Academies/1990 (13 VAC 5-80), and the Statewide Fire Prevention Code (13 VAC 5-51). Public comment will not be taken at this meeting.

**Contact:** Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhcd.state.va.us.

**March 17, 2003 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A regular business meeting of the board. The board is scheduled to review and evaluate public comment and requested amendments to proposed regulations and adopt final regulations for the following regulations: Virginia Certification Standards (13 VAC 5-21), Virginia Amusement Device Regulations (13 VAC 5-31), Virginia Uniform Statewide Building Code (13 VAC 5-61), Standards Governing Operations of Individual and Regional Code Academies/1990 (13 VAC 5-80), and the Statewide Fire Prevention Code (13 VAC 5-51).

**Contact:** Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhcd.state.va.us.

## State Building Code Technical Review Board

**† March 21, 2003 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Review Board hears administrative appeals concerning building and fire codes and other regulations of the department. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

**Contact:** Vernon W. Hodge, Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150.

## JAMESTOWN-YORKTOWN FOUNDATION

**† March 12, 2003 - 12 p.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Rooms A and B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee. Public comment will not be heard.

**Contact:** Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , e-mail sruckman@jyf.state.va.us.

**† May 7, 2003 - 2 p.m.** -- Open Meeting  
Location to be determined.  (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee's Executive Committee. Public comment will not be heard.

**Contact:** Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , e-mail sruckman@jyf.state.va.us.

**† May 15, 2003 - 10 a.m.** -- Open Meeting

**† May 16, 2003 - 8 a.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

Semi-annual board and committee meetings. Specific schedule not yet confirmed. Public comment will not be heard.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, 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

**February 28, 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 Juvenile Justice intends to adopt regulations entitled: **6 VAC 35-160. Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System.** The purpose of the proposed action is to establish standards governing the form and content of juvenile record information submitted to the Virginia Juvenile Justice Information System, ensuring the integrity of the data, protecting the confidentiality of the juvenile record

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# Calendar of Events

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information, and governing the dissemination of information in accordance with law.

Statutory Authority: §§ 16.1-223 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 carignandr@djj.state.va.us.

## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council

† **March 20, 2003 - 10 a.m.** -- Open Meeting  
Confederate Hills Recreation Center, 302 Lee Avenue, Highland Springs, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting.

**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.

## STATE LIBRARY BOARD

**March 17, 2003 - 8:15 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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

† **March 10, 2003 - 10 a.m.** -- Open Meeting  
Commission on Local Government, 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.

## MARINE RESOURCES COMMISSION

**February 25, 2003 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. (Interpreter for the deaf provided upon request)

A monthly commission meeting.

**Contact:** Ginny Chappell, Commissioner's Secretary, Marine Resources Commission, 2600 Washington Ave., 1st Floor, Newport News, VA 23607, telephone (757) 247-2206, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY, e-mail gchappell@mrc.state.va.us.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**March 28, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care** and **12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of the proposed action is to retain the outpatient hospital reimbursement methodology prior to Medicare's conversion to its current APC methodology and to promulgate a Graduate Medical Education methodology to provide an appropriate apportionment of these costs related to interns and residents at the state teaching hospitals.

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

**Contact:** Peterson Epps, Reimbursement Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4591, FAX (804) 786-1680, or e-mail pepps@dmas.state.va.us.

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**March 28, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of the proposed action is to comply with the legislative mandate contained in

Chapter 899 of the 2002 Acts of Assembly, Item 3325 FF and JJ(2), to modify the reimbursement methodology for pharmacy services. These changes entail discounting the average wholesale price (AWP) by 10.25% and redefining Virginia Maximum Allowable Cost methodology to include all products that participate in pharmaceutical manufacturers' rebate programs.

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

**Contact:** Alissa Nashwiter, Manager, Division of Program Operations, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-2973, FAX (804) 786-1680 or e-mail anashwiter@dmas.state.va.us.

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**March 28, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of the proposed action is to provide supplemental payments to Type I physicians who are members of group practices affiliated with either a state academic health system or an academic health system that operates under a state authority.

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

**Contact:** William Lessard, Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-1680, or e-mail wlessard@dmas.state.va.us.

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**March 28, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to comply with the legislative mandate of Chapter 899, Item 325 HH to decrease the indirect patient care operating ceiling and eliminate increase for inflation for indirect patient case rates and peer group ceilings for indirect costs in SFY 2003. This action also proposes to institute the requirement that nursing facilities file reports when they have credit balances.

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

**Contact:** James Branham, Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219,

telephone (804) 225-4587, FAX (804) 786-1680 or e-mail jbranham@dmas.state.va.us.

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**April 11, 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 Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care.** The purpose of the proposed action is to conform the state plan to the mandate of the 2002 Session of the General Assembly in Chapter 899 of the 2002 Acts of Assembly, Item 325 KK.

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

Public comments may be submitted until April 11, 2003, to Peterson Epps, Reimbursement Analyst, Division of Reimbursement, 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@dmas.state.va.us.

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**April 11, 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 Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-141. Family Access to Medical Insurance Security Plan.** The purpose of the proposed action is to promulgate service coverages, eligibility requirements, fair hearings, utilization review requirements and payment standards.

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

Public comments may be submitted until April 11, 2003, to Linda Nablo, Director, Child Health Program, 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@dmas.state.va.us.

## BOARD OF MEDICINE

**February 28, 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 Board of Medicine intends to amend regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy,**

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**Podiatry, and Chiropractic; 18 VAC 85-40. Regulations Governing the Practice of Respiratory Care Practitioners; 18 VAC 85-80. Regulations Governing the Licensure of Occupational Therapists; 18 VAC 85-101. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited; 18 VAC 85-110. Regulations Governing the Practice of Licensed Acupuncturists; and 18 VAC 85-120. Regulations Governing the Certification of Athletic Trainers.** The purpose of the proposed action is to establish criteria for registration of out-of-state practitioners to practice in Virginia on a voluntary basis.

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

Public comments may be submitted until February 28, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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**March 14, 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 Board of Medicine intends to amend regulations entitled: **18 VAC 85-50. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed action is to set forth the information and documentation that must be provided prior to such service to ensure compliance with Chapter 740 of the 2002 Acts of Assembly, which mandates that the board promulgate regulations for an out-of-state practitioner to be exempt from licensure or certification to volunteer his services to a nonprofit organization that has no paid employees and offers health care to underprivileged populations throughout the world. Chapter 387 of the 2002 Acts of Assembly mandates that the board promulgate regulations to implement provisions related to the supervision of a physician assistant and the protocol between the assistant and the physician. In accordance with the statute, regulations provide for continuous supervision but do not require the physical presence of the physician.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until March 14, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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**March 28, 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 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 amend the regulations to comply with a statutory mandate found in § 54.1-2910.1 as amended by Chapter 38 of the 2002 Acts of Assembly. The statute requires certain changes to the practitioner profile system for doctors of medicine, osteopathy and podiatry to include the addition of telephone numbers, e-mail and FAX numbers for dissemination of emergency information and information on felony convictions.

Statutory Authority: §§ 54.1-2400 and 54.1-2910.1 of the Code of Virginia.

Public comments may be submitted until March 28, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

## Informal Conference Committee

**February 26, 2003 - 9:30 a.m.** -- Open Meeting

**March 19, 2003 - 9:15 a.m.** -- Open Meeting  
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

**February 27, 2003 - 9:15 a.m.** -- Open Meeting

**March 27, 2003 - 9:15 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

**March 5, 2003 - 8:45 a.m.** -- Open Meeting

† **March 14, 2003 - 9:45 a.m.** -- Open Meeting

† **April 4, 2003 - 1 p.m.** -- Open Meeting

**April 9, 2003 - 8:45 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

† **March 12, 2003 - 9 a.m.** -- Open Meeting

**April 23, 2003 - 9:30 a.m.** -- Open Meeting  
Williamsburg Marriott Hotel, 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 Dixon, Staff, Department of Health Professions, 6603 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

† **February 24, 2003 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Prevention and Transition Services Issues Team of the Olmstead Task Force.

**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) 371-8944/TTY , e-mail fsadler@dmhmrsas.state.va.us.

**March 7, 2003 - 9 a.m.** -- Open Meeting  
Department for the Deaf and Hard-of-Hearing, Ratcliffe Building, 1602 Rolling Hills Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Steering Committee of the Olmstead Task Force.

**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.

† **March 26, 2003 - 1 p.m.** -- Open Meeting  
The Place, 4036 C Cox Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Olmstead Task Force.

**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.

## MOTOR VEHICLE DEALER BOARD

† **March 10, 2003 - 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 - To be scheduled as needed
- Licensing Committee - Immediately following Dealer Practices Committee
- Advertising Committee - 9:30 a.m. or five minutes after Licensing Committee
- Transaction Recovery Fund Committee - Immediately following Advertising Committee

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@mvb.state.va.us.

## DEPARTMENT OF MOTOR VEHICLES

### Medical Advisory Board

**March 12, 2003 - 8 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Jacquelin Branche, R. N., Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, e-mail dmvj3b@dmv.state.va.us.

## VIRGINIA MUSEUM OF FINE ARTS

**March 4, 2003 - 8 a.m.** -- Open Meeting  
**April 1, 2003 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 

A monthly meeting of the Executive Committee for staff to update trustees. Public comment will not be heard.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

## VIRGINIA MUSEUM OF NATURAL HISTORY

† **February 25, 2003 - 1 p.m.** -- Open Meeting  
LeClair Ryan Consulting, 707 East Main Street, Richmond, Virginia. 

A meeting of the Government Affairs Committee to discuss legislative issues in regards to the museum.

**Contact:** Cindy Rorrer, Administrative 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.

† **March 7, 2003 - 1:30 p.m.** -- Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia. 

A meeting of the Strategic Planning Committee to discuss museum strategic plan issues.

**Contact:** Cindy Rorrer, Administrative Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville,

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# Calendar of Events

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VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY ☎, e-mail crorrer@vmnh.org.

† **March 8, 2003 - 9 a.m.** -- Open Meeting  
Dutch Inn Restaurant, 2360 Virginia Avenue, Collinsville, Virginia.📍

A meeting of the Science and Learning Committee and the Finance Committee. The Board of Trustees will meet at 10 a.m.

**Contact:** Cindy Rorrer, Administrative 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

**February 28, 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 Board of Nursing intends to amend regulations entitled: **18 VAC 90-20. Regulations Governing the Practice of Nursing.** The purpose of the proposed action is to replace emergency regulations for voluntary practice by out-of-state nurses.

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

Public comments may be submitted until February 28, 2003, to Jay Douglas, R.N., Deputy Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

**March 17, 2003 - 9 a.m.** -- Open Meeting  
**March 19, 2003 - 9 a.m.** -- Open Meeting  
**March 20, 2003 - 9 a.m.** -- Open Meeting  
† **May 12, 2003 - 9 a.m.** -- Open Meeting  
† **May 13, 2003 - 9 a.m.** -- Open Meeting  
† **May 15, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 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, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

## Special Conference Committee

**February 24, 2003 - 9 a.m.** -- Open Meeting  
**February 25, 2003 - 9 a.m.** -- Open Meeting  
**April 2, 2003 - 9 a.m.** -- Open Meeting  
**April 7, 2003 - 9 a.m.** -- Open Meeting  
**April 8, 2003 - 9 a.m.** -- Open Meeting  
**April 14, 2003 - 9 a.m.** -- Open Meeting  
**April 22, 2003 - 9 a.m.** -- Open Meeting  
**April 29, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.📍

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees and/or certificate holders. Public comment will not be received.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

## OLD DOMINION UNIVERSITY

**March 17, 2003 - 3 p.m.** -- Open Meeting  
† **May 12, 2003 - 3 p.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia.📍

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. Public comment will not be received by the board.

**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) 683-5679, e-mail dmeeks@odu.edu.

**April 11, 2003 - 1:30 p.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia.📍

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received. Standing committees will meet on April 10 and 11 prior to the full board meeting.

**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) 683-5679, e-mail dmeeks@odu.edu.

## BOARD OF OPTOMETRY

**February 28, 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 Board of Optometry intends to

amend regulations entitled: **18 VAC 105-20. Regulations Governing the Practice of Optometry.** The purpose of the proposed action is to replace emergency regulations for voluntary practice by out-of-state optometrists.

Statutory Authority: §§ 54.1-2400 and 54.1-3202 of the Code of Virginia.

Public comments may be submitted until February 28, 2003, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

## BOARD OF PHARMACY

**NOTE: THIS MEETING HAS BEEN POSTPONED. No new date has been announced.**

**February 26, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A panel will discuss disciplinary matters. Public comments will not be received.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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**February 28, 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 Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to replace emergency regulations for voluntary practice by out-of-state pharmacists.

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

Public comments may be submitted until February 28, 2003, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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**April 11, 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 Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to implement the changes in

requirements for pharmacy practice pursuant to Chapter 632 of the 2002 Acts of Assembly to allow chart orders for hospice or home infusion, to permit different methods of keeping dispensing records and to allow for delivery of prescription drugs to alternative sites. Statutory revisions in Chapters 411, 666 and 707 of the 2002 Acts of Assembly require amendments to allow a nursing home to donate unused drugs or a physician to dispense donated drugs provided basic requirements for security, storage, labeling and recordkeeping have been observed to protect the safety, integrity and efficacy of the drugs.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

## Special Conference Committee

**February 27, 2003 - 9 a.m.** -- Open Meeting

† **March 13, 2003 - 9 a.m.** -- Open Meeting

† **March 27, 2003 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

The Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

## BOARD OF PHYSICAL THERAPY

† **March 24, 2003 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The Board of Physical Therapy will convene to hear possible violations of the laws and regulations governing the practice of physical therapy.

**Contact:** Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail elizabeth.young@dhp.state.va.us.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **March 5, 2003 - 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)

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# Calendar of Events

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A regular meeting. For more information, contact the Department of Professional and Occupational Regulation at 367-8519.

**Contact:** Judith A. 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](mailto:spiller@dpor.state.va.us).

## BOARD OF PSYCHOLOGY

**February 25, 2003 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Informal administrative hearings to hear possible violations of Board of Psychology regulations and statutes. No public comment will be heard.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail [evelyn.brown@dhp.state.va.us](mailto:evelyn.brown@dhp.state.va.us).

## VIRGINIA PUBLIC BROADCASTING BOARD

**February 26, 2003 - 10 a.m.** -- Open Meeting  
**March 19, 2003 - 10 a.m.** -- Open Meeting  
Ninth Street Office Building, 202 North Ninth Street, Room 639, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the board's Planning Committee.

**Contact:** Jim Roberts, Deputy Secretary of Administration, Virginia Public Broadcasting Board, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038, e-mail [jroberts@gov.state.va.us](mailto:jroberts@gov.state.va.us).

**March 26, 2003 - 10 a.m.** -- Open Meeting  
**† May 14, 2003 - 10 a.m.** -- Open Meeting  
State Capitol, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Jim Roberts, Deputy Secretary of Administration, Virginia Public Broadcasting Board, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038, e-mail [jroberts@gov.state.va.us](mailto:jroberts@gov.state.va.us).

## REAL ESTATE APPRAISER BOARD

**† March 6, 2003 - 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements

can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Ilona LaPaglia, Legal Assistant, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, e-mail [LaPaglia@dpor.state.va.us](mailto:LaPaglia@dpor.state.va.us).

## REAL ESTATE BOARD

**April 9, 2003 - 9 a.m.** -- Open Meeting  
**April 10, 2003 - 9 a.m.** -- Open Meeting  
**† May 21, 2003 - 9 a.m.** -- Open Meeting  
**† May 22, 2003 - 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](mailto:amaker@dpor.state.va.us).

## BOARD OF REHABILITATIVE SERVICES

**† April 24, 2003 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿

A meeting to conduct quarterly business. Public comments will be received at approximately 10:15 a.m. Interpreter for the deaf provided with two weeks' advance notice.

**Contact:** Barbara Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, e-mail [tysonbg@drs.state.va.us](mailto:tysonbg@drs.state.va.us).

## DEPARTMENT OF REHABILITATIVE SERVICES

**March 12, 2003 - 3 p.m.** -- Public Hearing  
Department of Rehabilitative Services, Lee Building, 8004 Franklin Farms Drive, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

**April 11, 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 Department of Rehabilitative Services intends to amend regulations entitled: **22 VAC 30-20. Provision of Vocational Rehabilitation Services**. The purpose of the proposed action is to allow the department to

enter into an order of selection to provide services to eligible individuals in an efficient and economical matter in the event that the full range of vocational rehabilitation services cannot be provided to all persons determined to be eligible because of unavailable resources.

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

**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@drs.state.va.us](mailto:smithee@drs.state.va.us).

## VIRGINIA RESOURCES AUTHORITY

**March 11, 2003 - 9 a.m.** -- Open Meeting  
Virginia Resources Authority, 707 East Main Street, 2nd Floor, Conference Room, Richmond, Virginia. ♿

**April 8, 2003 - 9 a.m.** -- Open Meeting  
Virginia Resources Authority, 707 East Main Street, 13th Floor, Suite 1350, 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 bonds; (vi) review the results of 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](mailto:bmcrac@vra.state.va.us).

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

**February 26, 2003 - 10 a.m.** -- Open Meeting  
Henrico County Government Center, 8600 Dixon Powers Drive, Human Resource Board Room, Richmond, Virginia.

A meeting to hear appeals of health department denials of septic tank permits.

**Contact:** Susan C. Sherertz, Secretary to the Board, Sewage Handling and Disposal Appeal Review Board, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail [ssherertz@vdh.state.va.us](mailto:ssherertz@vdh.state.va.us).

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**February 25, 2003 - 11 a.m.** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. ♿

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. The meeting time is subject to change depending upon the agenda of the board.

**Contact:** Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, e-mail [sparsons@dba.state.va.us](mailto:sparsons@dba.state.va.us).

## STATE BOARD OF SOCIAL SERVICES

**April 11, 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 Social Services intends to amend regulations entitled: **22 VAC 40-11. Public Participation Guidelines**. The purpose of the proposed action is to make editorial changes throughout the regulation to improve clarity. Code of Virginia citations will be corrected to reflect the recodification of Title 2.2 and Title 63.2 of the Code of Virginia. 22 VAC 40-11-40 will be amended to reflect the provisions of Chapter 241 of the 2002 Acts of Assembly. 22 VAC 40-11-50 will be amended to provide electronic transmission of information to include e-mail notifications, receiving public comment by e-mail and use of the Internet for dissemination and collection of comment on regulatory actions. This section will also be revised to reflect the statutory changes of Chapter 717 of the 1995 Acts of Assembly, which make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

Statutory Authority: §§ 2.2-4007 and 63.2-217 of the Code of Virginia.

**Contact:** Richard Martin, Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825, FAX (804) 692-1814, or e-mail [lrn2@dss.state.va.us](mailto:lrn2@dss.state.va.us).

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**April 11, 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 Social Services intends to adopt regulations entitled: **22 VAC 40-685. Virginia Energy Assistance Program -- Home Energy Assistance Program**. The purpose of the proposed action is to promulgate regulations to implement the Home Energy Assistance Program. The Home Energy Assistance Program was established pursuant to Chapter 676 of the 2001 Acts of Assembly (House Bill 2473). These regulations replace emergency regulations.

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# Calendar of Events

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Statutory Authority: §§ 63.2-217 and 63.2-805 of the Code of Virginia.

**Contact:** Margaret Friedenbergh, Director, Special Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1728, FAX (804) 692-1469, or e-mail [mjf900@dcse.dss.state.va.us](mailto:mjf900@dcse.dss.state.va.us).

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**April 11, 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 Social Services intends to adopt regulations entitled: **22 VAC 40-910. General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records.** The purpose of the proposed action is to replace an emergency regulation that expires on August 31, 2003. The proposed regulation establishes separate sections for the confidentiality of public assistance, child support enforcement, and social services programs administered by the Department of Social Services and local departments of social services. Except as provided by federal and state laws and regulations, no records or information concerning applicants for and recipients of public assistance or child support are accessible except for purposes directly connected with the administration of the public assistance and child support enforcement programs. Social services records and information are confidential except they are accessible to persons having a legitimate interest in accordance with federal and state laws and regulations.

Statutory Authority: §§ 63.2-102, 63.2-103, 63.2-104, 63.2-105, 63.2-217 of the Code of Virginia.

**Contact:** Lynette Isbell, Policy and Planning Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1821, FAX (804) 692-2425, or e-mail [lwi2@email1.dss.state.va.us](mailto:lwi2@email1.dss.state.va.us).

## DEPARTMENT OF SOCIAL SERVICES

**March 20, 2003 - 1:30 p.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Richmond, Virginia. 

New board member orientation for the Family and Children's Trust Fund Board.

**Contact:** Nan McKenney, Executive Director, Department of Social Services, 760 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823, FAX (804) 692-1869, e-mail [fct900@dss.state.va.us](mailto:fct900@dss.state.va.us).

**March 21, 2003 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Richmond, Virginia. 

A regular meeting of the Family and Children's Trust Fund Board.

**Contact:** Nan McKenney, Executive Director, Department of Social Services, 760 E. Broad Street, 8th Floor, Richmond, VA 23219, telephone (804) 692-1823, FAX (804) 692-1869, e-mail [fct900@dss.state.va.us](mailto:fct900@dss.state.va.us).

**April 12, 2003 - 10 a.m.** -- Open Meeting  
Hotel Roanoke, Roanoke, Virginia.

A quarterly meeting of the Virginia Commission on National and Community Service. The commission will discuss issues regarding the commission's federal mandate from the Governor, the Corporation for National and Community Service, and the Commission Chair.

**Contact:** Felicia Jones, Administrative Assistant, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1998, FAX (804) 692-1999, toll-free (800) 638-3839.

† **April 16, 2003 - 9 a.m.** -- Open Meeting

† **April 17, 2003 - 9 a.m.** -- Open Meeting  
Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia. 

A regular meeting of the Board of Social Services.

**Contact:** Pat Rengnerth, Board Liaison, State Board of Social Services, Division of Legislative Affairs, 730 E. Broad St., Room 812, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1960, (800) 828-1120/TTY , e-mail [pvr2@email1.dss.state.va.us](mailto:pvr2@email1.dss.state.va.us).

## BOARD OF SOCIAL WORK

**April 11, 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 Board of Social Work intends to amend regulations entitled: **18 VAC 140-20. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to amend regulations regarding dual relationships and specify a time of two years post termination of the therapeutic relationship with the burden of proof on the clinician and to revise the name of one organization recognized as an approved provider of continuing education.

Statutory Authority: §§ 54.1-2400 and Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.state.va.us](mailto:elaine.yeatts@dhp.state.va.us).

## DEPARTMENT OF TECHNOLOGY PLANNING

### Virginia Geographic Information Network Advisory Board

**March 6, 2003 - 1:30 p.m.** -- Open Meeting

**May 1, 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.

### Virginia Research and Technology Advisory Commission

**March 10, 2003 - 2 p.m.** -- Open Meeting  
Washington, DC; location to be determined.

A quarterly meeting to coincide with Capitol Hill Day.

**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.

### Wireless E-911 Services Board

**February 26, 2003 - 10 a.m.** -- Open Meeting

**† May 14, 2003 - 9 a.m.** -- Open Meeting  
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular monthly meeting.

**Contact:** Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

## COUNCIL ON TECHNOLOGY SERVICES

**March 6, 2003 - 2 p.m.** -- Open Meeting

**April 3, 2003 - 2 p.m.** -- Open Meeting

**May 1, 2003 - 2 p.m.** -- Open Meeting

Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia.

A regular monthly meeting of the Executive Committee. Agenda and meeting information available at [www.cots.state.va.us](http://www.cots.state.va.us).

**Contact:** Jenny Hunter, COTS Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

**March 12, 2003 - 9:30 a.m.** -- Open Meeting

**April 9, 2003 - 9:30 a.m.** -- Open Meeting

**† May 14, 2003 - 9:30 a.m.** -- Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Executive Conference Room, Richmond, Virginia. 

A regular monthly meeting of the Change Management Workgroup. Agenda and details available at [www.cots.state.va.us](http://www.cots.state.va.us).

**Contact:** Jenny Hunter, COTS Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

**March 13, 2003 - 1:30 p.m.** -- Open Meeting

Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A regular bimonthly meeting. Agenda and meeting details available at [www.cots.state.va.us](http://www.cots.state.va.us)

**Contact:** Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

**March 20, 2003 - 3 p.m.** -- Open Meeting

**April 17, 2003 - 3 p.m.** -- Open Meeting

**† May 15, 2003 - 3 p.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Lee Building, Rooms 101, 103, and 105, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular monthly meeting of the Security Workgroup. Agenda and more details can be found at [www.cots.state.va.us](http://www.cots.state.va.us).

**Contact:** Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

## VIRGINIA TOBACCO SETTLEMENT FOUNDATION

**March 18, 2003 - 1:30 p.m.** -- Open Meeting

VCU Siegel Center, 1200 West Broad Street, Richmond, Virginia.

A meeting of the Board of Trustees to receive program updates.

**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

**† March 19, 2003 - 2 p.m.** -- Open Meeting

Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

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# Calendar of Events

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A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

**Contact:** Sandra M. Mills, Assistant Legislative Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

† **March 20, 2003 - 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, Agency Regulatory Coordinator, Commonwealth Transportation Board, 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

### Treasury Board

† **March 19, 2003 - 9 a.m.** -- Open Meeting  
† **April 16, 2003 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 

A regular meeting.

**Contact:** Melissa Mayes, Treasury Board Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Treasury Board Room, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.state.va.us.

## BOARD OF VETERINARY MEDICINE

**March 14, 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 Board of Veterinary Medicine intends to amend regulations entitled: **18 VAC 150-20. Regulations Governing the Practice of Veterinary Medicine.** The purpose of the proposed action is to establish requirements for registration of out-of-state practitioners to engage in voluntary practice of veterinary medicine.

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

Public comments may be submitted until March 14, 2003, to Elizabeth Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6603 West Broad Street, Richmond, VA 23230-1717.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

## VIRGINIA INFORMATION PROVIDERS NETWORK AUTHORITY

**February 27, 2003 - Noon** -- Open Meeting  
Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

A general meeting of the board. There will be a teleconferencing site available in Northern Virginia at Dolly Oberoi's office, C2 Technologies, 7700 Leesburg Pike, Suite 219, Falls Church, VA 22043-2615, telephone (703) 748-2780.

**Contact:** Will Prible, Assistant to the Director, Virginia Information Providers Network Authority, 110 S. 7th Street, Suite 135, Richmond, VA 23219, telephone (804) 786-4583, FAX (804) 371-2795, e-mail wprible@vipnetboard.state.va.us.

## VIRGINIA WASTE MANAGEMENT BOARD

**March 6, 2003 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

**March 28, 2003** - Public comments may be submitted until 5 p.m. on 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 20-60. Virginia Hazardous Waste Management Regulations.** The purpose of the proposed action (Amendment 16) is to increase the permit application fees for transporters, new TSD facilities, permit modifications, minor permit modifications and emergency permits.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

**Contact:** Robert G. Wickline, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213 or e-mail rgwickline@deq.state.va.us.

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**March 6, 2003 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

**March 28, 2003** - Public comments may be submitted until 5 p.m. on 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 20-90. Solid**

**Waste Management Facility Permit Fees.** The purpose of the proposed action is to increase fees for solid waste management facilities.

Statutory Authority: §§ 10.1-1402 and 10.1-1402.1 of the Code of Virginia

**Contact:** Melissa Porterfield, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238 or e-mail msporterfi@deq.state.va.us.

## BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† **April 2, 2003 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

**Contact:** David E. Dick, Assistant Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail wastemgt@dpor.state.va.us.

## STATE WATER CONTROL BOARD

**March 6, 2003 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

**March 28, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-20. Fees for Permits and Certificates.** The purpose of the proposed action is to increase the fees charged for processing applications for permits and certificates issued by the State Water Control Board.

Statutory Authority: § 62.1-44.15:6 of the Code of Virginia.

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

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**March 17, 2003 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

**April 11, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-193. General Virginia Pollutant Discharge Elimination System Permit for Ready-Mixed Concrete Plants.** The purpose of the

proposed action is to reissue the existing general permit that expires on September 30, 2003. The general permit will establish limitations and monitoring requirements for point source discharges of storm water and process wastewater from ready-mixed concrete plants.

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

**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.

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† **April 2, 2003 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

† **April 25, 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 Water Control Board intends to adopt regulations entitled: **9 VAC 25-740. Regulation for Wastewater Reclamation and Reuse.** The purpose of the proposed action is to establish requirements for the reclamation and reuse of wastewater and processes for acting on requests for reclamation and reuse of wastewater.

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

Public comments may be submitted until April 25, 2003.

**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or e-mail ychoi@deq.state.va.us.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **March 11, 2003 - 1 p.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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-2394 at least 10 days prior to this meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Ilona LaPaglia, Legal Assistant, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail LaPaglia@dpor.state.va.us.

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# Calendar of Events

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## THE COLLEGE OF WILLIAM AND MARY

† **April 24, 2003 - Noon** -- Open Meeting  
† **April 25, 2003 - 8 a.m.** -- Open Meeting  
Blow Memorial Hall Board Room, 262 Richmond Road,  
Williamsburg, Virginia.  (Interpreter for the deaf provided  
upon request)

The board will receive reports from its committees and the  
administrations of Richard Bland College and the College of  
William and Mary and will act on those resolutions  
presented by the administrations. 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, telephone (757)  
221-2624, FAX (757) 221-1021, e-mail wtwa2@wm.edu.

## VIRGINIA WORKFORCE COUNCIL

**March 27, 2003 - 10 a.m.** -- Open Meeting  
Lewis Ginter Botanical Gardens, 1800 Lakeside Avenue,  
Richmond, Virginia.  (Interpreter for the deaf provided upon  
request)

WIA workforce first, self-sufficiency and limited funds  
policies; WIA 10% statewide budget; additional state  
performance measures; General Assembly workforce  
actions; incumbent worker policy.

**Contact:** Gail Robinson, Virginia Workforce Council Liaison,  
Virginia Employment Commission, P.O. Box 1358, Richmond,  
VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-  
2190, (800) 828-1120/TTY , e-mail  
grobenson@vec.state.va.us.

## INDEPENDENT

### STATE LOTTERY BOARD

**March 5, 2003 - 9:30 a.m.** -- Open Meeting  
Pocahontas Building, 900 East Main Street, Richmond,  
Virginia. 

A regular meeting to include a public hearing for proposed  
regulations: Administration (11 VAC 5-20), Licensing  
(11 VAC 5-31), and Lottery Game (11 VAC 5-41).

**Contact:** Barbara L. Robertson, Board, Legislative and  
Regulatory Coordinator, State Lottery Department, 900 E.  
Main St., Richmond, VA 23219, telephone (804) 692-7903,  
FAX (804) 692-7905, e-mail brobertson@valottery.state.va.us.

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**March 5, 2003 - 9:30 a.m.** -- Public Hearing  
Lottery Headquarters, 900 East Main Street, Richmond,  
Virginia.

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

amend regulations entitled: **11 VAC 5-20. Administration  
Regulations.** The purpose of the proposed action is to  
simplify and clarify the regulations and eliminate redundant  
and unnecessary language. Amendments under  
consideration include, but are not limited to (i) clarifying  
definitions, (ii) providing for winner participation in press  
conferences; (iii) clarifying licensing appeal procedures; (iv)  
transferring specific, detailed procurement procedures from  
regulations to department manuals which will be  
incorporated by reference; and (v) reducing unnecessary or  
duplicative regulations regarding board and department  
operations, specifically, committee membership, election of  
officers, percentage allocation of lottery revenue, audit  
schedules and depositories for ticket transfer.

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

Public comments were accepted until February 14, 2003.

**Contact:** Barbara L. Robertson, Board, Legislative and  
Regulatory Coordinator, State Lottery Department, 900 E.  
Main St., Richmond, VA 23219, telephone (804) 692-7105,  
FAX (804) 692-7775, or e-mail:  
brobertson@valottery.state.va.us.

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**March 5, 2003 - 9:30 a.m.** -- Public Hearing  
Lottery Headquarters, 900 East Main Street, Richmond,  
Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the State Lottery Board intends to  
repeal regulations entitled: **11 VAC 5-30. Instant Game  
Regulations.** The purpose of the proposed action is to  
reorganize current lottery regulations by combining instant  
licensing and game provisions with those for on-line games  
and incorporate all in new licensing and lottery game  
regulations.

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

Public comments were accepted until February 14, 2003.

**Contact:** Barbara L. Robertson, Board, Legislative and  
Regulatory Coordinator, State Lottery Department, 900 E.  
Main St., Richmond, VA 23219, telephone (804) 692-7105,  
FAX (804) 692-7775, or e-mail:  
brobertson@valottery.state.va.us.

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**March 5, 2003 - 9:30 a.m.** -- Public Hearing  
Lottery Headquarters, 900 East Main Street, Richmond,  
Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the State Lottery Board intends to  
adopt regulations entitled: **11 VAC 5-31. Licensing  
Regulations.** The purpose of the proposed action is to  
create a chapter containing lottery retailer licensing  
requirements, including eligibility requirements, application  
procedure, bonding and bank account requirements,  
licensing terms and fees, retailer compensation, retailer

standards of conduct, license denial or revocation, and audit of records.

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

Public comments were accepted until February 14, 2003.

**Contact:** Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail [brobertson@valottery.state.va.us](mailto:brobertson@valottery.state.va.us).

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**March 5, 2003 - 9:30 a.m.** -- Public Hearing  
Lottery Headquarters, 900 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Lottery Board intends to repeal regulations entitled: **11 VAC 5-40. On-Line Game Regulations**. The purpose of the proposed action is to reorganize current lottery regulations by combining on-line licensing and game provisions with those for instant games and incorporate all in new licensing and lottery game regulations.

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

Public comments were accepted until February 14, 2003.

**Contact:** Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: [brobertson@valottery.state.va.us](mailto:brobertson@valottery.state.va.us).

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**March 5, 2003 - 9:30 a.m.** -- Public Hearing  
Lottery Headquarters, 900 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Lottery Board intends to adopt regulations entitled: **11 VAC 5-41. Lottery Game Regulations**. The purpose of the proposed action is to create a new chapter containing procedures specifically related to all types of lottery games, including operational parameters for the conduct of games, validation requirements and payment of prizes.

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

Public comments were accepted until February 14, 2003.

**Contact:** Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: [brobertson@valottery.state.va.us](mailto:brobertson@valottery.state.va.us).

## VIRGINIA RETIREMENT SYSTEM

**March 19, 2003 - 11 a.m.** -- Open Meeting  
† **May 14, 2003 - 11 a.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, VA 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](mailto:phenderson@vrs.state.va.us).

† **March 19, 2003 - 3 p.m.** -- Open Meeting  
† **May 14, 2003 - 9 a.m.** -- Open Meeting  
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.

**Contact:** Darla Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail [dglazier@vrs.state.va.us](mailto:dglazier@vrs.state.va.us).

**March 20, 2003 - 9 a.m.** -- Open Meeting  
† **May 15, 2003 - 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](mailto:dkestner@vrs.state.va.us).

† **May 14, 2003 - 2:30 p.m.** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

The following committees will meet:

- 2:30 p.m. - Administration and Personnel Committee
- 3 p.m. - Benefits and Actuarial Committee
- 4 p.m. - Audit and Compliance Committee

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail [dkestner@vrs.state.va.us](mailto:dkestner@vrs.state.va.us).

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# Calendar of Events

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## VIRGINIA WORKERS' COMPENSATION COMMISSION

**March 14, 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 Virginia Workers' Compensation Commission intends to amend regulations entitled: **16 VAC 30-50. Rules of the Virginia Workers' Compensation Commission.** The purpose of the proposed action is comply with the General Assembly's mandate (Chapter 538 of the 2002 Acts of Assembly), directing that it promulgate rules and regulations by July 1, 2003, "instituting an expedited calendar for the administration of claims under the Virginia Workers' Compensation Act in which the employer's denial of benefits satisfies criteria establishing that delays will cause an injured employee to incur severe economic hardship."

Statutory Authority: § 65.2-201 of the Code of Virginia; Chapter 538 of the 2002 Acts of Assembly.

Public comments may be submitted until 5 p.m. on March 14, 2003.

**Contact:** Mary Ann Link, Chief Commissioner, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-8664, FAX (804) 367-9740, or e-mail: maryann.link@vwc.state.va.us.

## LEGISLATIVE

### Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in *The Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### February 24

- Alcoholic Beverage Control Board
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Nursing, Board of
  - Special Conference Committee

#### February 25

- Contractors, Board for
- † Funeral Directors and Embalmers, Board of
- Marine Resources Commission
- † Museum of Natural History, Virginia
  - Government Affairs Committee
- Nursing, Board of
  - Special Conference Committee
- Psychology, Board of
- Small Business Financing Authority, Virginia

#### February 26

- † Agriculture and Consumer Services, Department of
  - Virginia State Apple Board
  - Farmland Preservation Task Force
  - Virginia Sheep Industry Board
- † At-Risk Youth and Families, Office of Comprehensive Services for
  - State Executive Council
- Cemetery Board
- † Counseling, Board of
- Education, Board of
- Medicine, Board of
  - Informal Conference Committee
- Public Broadcasting Board, Virginia
  - Planning Committee
- Sewage Handling and Disposal Appeal Review Board
- Technology Planning, Department of
  - Wireless E-911 Services Board

#### February 27

- Contractors, Board for
- † Counseling, Board of
  - Credentials Committee
- Housing and Community Development, Board of
  - Codes and Standards Committee
- Medicine, Board of
  - Informal Conference Committee
- Pharmacy, Board of
  - Special Conference Committee
- Virginia Information Providers Network Authority

#### February 28

- Counseling, Board of
- Dentistry, Board of
  - Special Conference Committee

#### March 3

- † Alzheimer's Disease and Related Disorders Commission

#### March 4

- Museum of Fine Arts, Virginia
  - Executive Committee

#### March 5

- Contractors, Board for
- † Environmental Quality, Department of
- Lottery Board, State
- Medicine, Board of
  - Informal Conference Committee
- † Professional and Occupational Regulation, Board for

#### March 6

- Aging, Commonwealth Council on
  - Public Relations Committee
- Agriculture and Consumer Services, Department of
  - Virginia Soybean Board
- Game and Inland Fisheries, State Board of
- † Real Estate Appraiser Board
- Technology Planning, Department of
  - Virginia Geographical Information Network Advisory Board
- Technology Services, Council on
  - Executive Committee

#### March 7

- Art and Architectural Review Board
- † Dentistry, Board of
  - Special Conference Committee

Mental Health, Mental Retardation and Substance Abuse Services, Department of  
† Museum of Natural History, Virginia  
- Strategic Planning Committee

## March 8

Blind and Vision Impaired, Department for the  
- Statewide Rehabilitation Council for the Blind  
† Museum of Natural History, Virginia  
- Board of Trustees  
- Finance Committee  
- Science and Learning Committee

## March 10

Agriculture and Consumer Services, Department of  
- Virginia Cotton Board  
Alcoholic Beverage Control Board  
† Chesapeake Bay Local Assistance Board  
† Local Government, Commission on  
† Motor Vehicle Dealer Board  
- Advisory Committee  
- Dealer Practices Committee  
- Franchise Laws Committee  
- Licensing Committee  
- Transaction Recovery Fund Committee  
Technology Planning, Department of  
- Virginia Research and Technology Advisory Commission

## March 11

Contractors, Board for  
Resources Authority, Virginia  
- Board of Directors  
† Waterworks and Wastewater Works Operators, Board for

## March 12

Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
† Jamestown-Yorktown Foundation  
- Steering Committee  
† Medicine, Board of  
- Informal Conference Committee  
Motor Vehicles, Department of  
- Medical Advisory Board  
Technology Services, Council on  
- Change Management Workgroup

## March 13

Agriculture and Consumer Services, State Board of  
† Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Environmental Quality, Department of  
† Pharmacy, Board of  
- Special Conference Committee  
Technology Services, Council on

## March 14

† Agriculture and Consumer Services, Department of  
- Virginia Dark-Fired Tobacco Board  
† Child Fatality Review Team, State  
† Health, Department of  
- Sewage Collection and Treatment Regulations Advisory Committee  
† Medicine, Board of  
- Informal Conference Committee

## March 17

Education, Board of  
- Advisory Board on Teacher Education and Licensure  
Housing and Community Development, Board of  
Library Board, State  
- 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  
Nursing, Board of  
Old Dominion University  
- Executive Committee

## March 18

† Agriculture and Consumer Services, Department of  
- Virginia Marine Products Board  
Contractors, Board for  
Environmental Quality, Department of  
- Ground Water Protection Steering Committee  
Tobacco Settlement Foundation, Virginia  
- Board of Trustees

## March 19

† Community Colleges, State Board for  
- Academic and Student Affairs Committee  
- Audit Committee  
- Budget and Finance Committee  
- Executive Committee  
- Facilities Committee  
- Personnel Committee  
† Compensation Board  
† Funeral Directors and Embalmers, Board of  
Medicine, Board of  
- Informal Conference Committee  
Nursing, Board of  
Public Broadcasting Board, Virginia  
- Planning Committee  
Retirement System, Virginia  
- Investment Advisory Committee  
- Optional Retirement Plan Advisory Committee  
† Transportation Board, Commonwealth  
† Treasury Board

## March 20

† Community Colleges, State Board for  
Conservation and Recreation, Department of  
- Virginia Soil and Water Conservation Board  
Design-Build/Construction Management Review Board  
† George Mason University  
- Board of Visitors  
† Health, Department of  
- Biosolids Use Regulations Advisory Committee  
† Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Nursing, Board of  
† Retirement System, Virginia  
- Board of Trustees  
- Optional Retirement Plan Advisory Committee  
Social Services, Department of  
- Family and Children's Trust Fund Board  
Technology Services, Council on  
- Security Workgroup  
† Transportation Board, Commonwealth

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# Calendar of Events

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**March 21**

- † Housing and Community Development, Board of
  - State Building Codes Technical Review Board
- Social Services, Department of
  - Family and Children's Trust Fund Board

**March 24**

- † Agricultural Council, Virginia
- Alcoholic Beverage Control Board
- † Physical Therapy, Board of

**March 25**

- † Agricultural Council, Virginia
- Asbestos, Lead, and Home Inspectors, Virginia Board for Contractors, Board for
- † Funeral Directors and Embalmers, Board of

**March 26**

- † At-Risk Youth and Families, Office of Comprehensive Services for
  - State Executive Council
- Education, Board of
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Public Broadcasting Board, Virginia

**March 27**

- Medicine, Board of
  - Informal Conference Committee
- † Pharmacy, Board of
  - Special Conference Committee
- Workforce Council, Virginia

**April 1**

- Contractors, Board for
- Museum of Fine Arts, Virginia
  - Executive Committee

**April 2**

- Nursing, Board of
  - Special Conference Committee
- † Waste Management Facility Operators, Board for

**April 3**

- Technology Services, Council on
  - Executive Committee

**April 4**

- Art and Architectural Review Board
- † Medicine, Board of
  - Informal Conference Committee

**April 7**

- Nursing, Board of
  - Special Conference Committee

**April 8**

- † Blind and Vision Impaired, Board for the Contractors, Board for
- Nursing, Board of
  - Special Conference Committee
- Resources Authority, Virginia
  - Board of Directors

**April 9**

- Medicine, Board of
  - Informal Conference Committee
- Real Estate Board
- Technology Services, Council on
  - Change Management Workgroup

**April 10**

- † Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board

Real Estate Board

**April 11**

Old Dominion University

**April 12**

Social Services, Department of

- Virginia Commission on National and Community Service

**April 14**

Nursing, Board of

- Special Conference Committee

**April 16**

† Social Services, Department of

† Treasury Board

**April 17**

Design-Build/Construction Management Review Board

† Social Services, Department of

Technology Services, Council on

- Security Workgroup

**April 18**

Health Professions, Department of

- Intervention Program Committee

**April 21**

Education, Board of

- Advisory Board on Teacher Education and Licensure

**April 22**

Contractors, Board for

Nursing, Board of

- Special Conference Committee

**April 23**

Medicine, Board of

- Informal Conference Committee

**April 24**

† Rehabilitative Services, Board of

† William and Mary, The College of

- Board of Visitors

**April 25**

Health, State Board of

† William and Mary, The College of

- Board of Visitors

**April 29**

Contractors, Board for

Education, Board of

Nursing, Board of

- Special Conference Committee

**April 30**

† At-Risk Youth and Families, Office of Comprehensive Services for

- State Executive Council

- Education, Board of

**May 1**

Education, Board of

Technology Planning, Department of

- Executive Committee
- VGIN Advisory Board

Technology Services, Council on

- Executive Committee

**May 2**

Art and Architectural Review Board

**May 6**

Contractors, Board for

**May 7**

Contractors, Board for

- † Jamestown-Yorktown Foundation
- Executive Committee

**May 8**

- George Mason University
- Board of Visitors
- Health, Department of
- State Emergency Medical Services Advisory Board

**May 9**

- † Child Fatality Review Team, State
- Health, Department of
- State Emergency Medical Services Advisory Board

**May 12**

- † Nursing, Board of
- † Old Dominion University
- Executive Committee

**May 13**

- † Contractors, Board for
- † Environmental Quality, Department of
- Recycling Markets Development Council
- † Jamestown-Yorktown Foundation
- Board of Trustees
- † Nursing, Board of

**May 14**

- † Public Broadcasting Board, Virginia
- † Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee
- Optional Retirement Plan Advisory Committee
- † Technology Planning, Department of
- Wireless E-911 Services Board
- † Technology Services, Council on
- Change Management Workgroup

**May 15**

- † Design-Build/Construction Management Review Board
- † Jamestown-Yorktown Foundation
- Board of Trustees
- † Nursing, Board of
- † Retirement System, Virginia
- Board of Trustees
- † Technology Services, Council on
- Security Workgroup

**May 16**

- † Jamestown-Yorktown Foundation
- Board of Trustees

**May 21**

- † Real Estate Board

**May 22**

- † Real Estate Board

**March 13**

- Agriculture and Consumer Services, State Board of
- Agriculture and Consumer Services, Department of
- † Environmental Quality, Department of

**March 14**

- † Environmental Quality, Department of

**March 17**

- Water Control Board, State

**April 2**

- † Water Control Board, State

**April 4**

- † Dentistry, Board of

**April 9**

- † Air Pollution Control Board, State

**April 17**

- † Air Pollution Control Board, State

## PUBLIC HEARINGS

**March 4**

- Environmental Quality, Department of

**March 5**

- Lottery Board, State

**March 6**

- Waste Management Board, Virginia
- Water Control Board, State

**March 12**

- Rehabilitative Services, Department of