
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table..... 1559

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Initial Agency Notice

Board of Accountancy Regulations (18 VAC 5-21)..... 1570

NOTICES OF INTENDED REGULATORY ACTION

TITLE 2. AGRICULTURE

Pesticide Control Board 1571

TITLE 9. ENVIRONMENT

State Water Control Board 1571

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board for Contractors 1573

Fair Housing Board..... 1573

PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Petroleum Underground Storage Tank Financial Responsibility Requirements (amending 9 VAC 25-590-10 through 9 VAC 25-590-40, 9 VAC 25-590-60 through 9 VAC 25-590-100, 9 VAC 25-590-120, 9 VAC 25-590-140 through 9 VAC 25-590-210 and 9 VAC 25-590-260). 1574

FINAL REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services (amending 4 VAC 5-36-50, 4 VAC 5-36-60, 4 VAC 5-36-70, 4 VAC 5-36-110 through 4 VAC 5-36-140, and 4 VAC 5-36-170 through

4 VAC 5-36-210). 1604

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Public Hearings for the Location and Design of Highway Construction Projects (amending 24 VAC 30-380-10). 1633

FAST-TRACK REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Notice of Objection to Fast-Track Rulemaking

Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-50). 1635

GOVERNOR

EXECUTIVE ORDERS

Declaration of a State of Emergency in the Commonwealth of Virginia to Expand Hours for Utility Service Restoration Workers (62-2004) 1636

Establishing the Governor's Commission on Higher Education Board Members (63-2004) 1636

GENERAL NOTICES/ERRATA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Approved Field Tests for Detection of Drugs 1638

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) for Bluestone River.. 1640

Total Maximum Daily Loads (TMDLs) in the Cedar Run Watershed..... 1640

Total Maximum Daily Load (TMDL) for an Unnamed Tributary (UT) to the Chickahominy River 1641

Total Maximum Daily Load (TMDL) for Hawksbill Creek.. 1641

Total Maximum Daily Load (TMDL) for Looney Creek 1641

Total Maximum Daily Loads (TMDLs) for Peak Creek, Back Creek, and Crab Creek 1641

Total Maximum Daily Load (TMDL) for Reed Creek 1642

Total Maximum Daily Load (TMDL) for Roses Creek..... 1642

Total Maximum Daily Loads (TMDLs) for Smith Creek 1642

Table of Contents

STATE LOTTERY DEPARTMENT

Director's Order 1643

VIRGINIA CODE COMMISSION

Notice to State Agencies 1643

Forms for Filing Material for Publication in *The Virginia Register of Regulations* 1643

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Regulation for Emissions Trading (Rev H02) (9 VAC 5-140).
..... 1643

STATE CORPORATION COMMISSION

Rules Governing Utility Customer Deposit Requirements
(20 VAC 5-10). 1644

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Public Participation Guidelines (18 VAC 120-10). 1644

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 1645

INDEPENDENT

Open Meetings and Public Hearings 1672

LEGISLATIVE

Open Meetings and Public Hearings 1673

CHRONOLOGICAL LIST

Open Meetings. 1673

Public Hearings. 1675

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 2003 VAC Supplement includes final regulations published through *Virginia Register* Volume 19, Issue 24, dated August 11, 2003). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 55-10-10	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-10-20	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-10-30	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-20-320 emer	Amended	19:25 VA.R. 3829	10/1/03-9/30/04
Title 2. Agriculture			
2 VAC 5-320-10	Amended	20:10 VA.R. 1010	2/26/04
2 VAC 5-325-10 through 2 VAC 5-325-120	Added	20:9 VA.R. 886	12/15/03
2 VAC 5-360	Erratum	20:11 VA.R. 1387	--
2 VAC 5-360-10 through 2 VAC 5-360-100	Amended	20:9 VA.R. 889	2/12/04 *
2 VAC 5-360-110 through 2 VAC 5-360-140	Repealed	20:9 VA.R. 889	2/12/04 *
2 VAC 5-440-10 through 2 VAC 5-440-60	Amended	20:12 VA.R. 1471-1474	3/25/04
2 VAC 5-440-80	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440-90	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 20-30	Erratum	20:1 VA.R. 39	--
Title 4. Conservation and Natural Resources			
4 VAC 15-30-40	Amended	19:25 VA.R. 3780	7/30/03
4 VAC 20-252-50	Amended	20:10 VA.R. 1011	1/5/04
4 VAC 20-252-55	Amended	20:10 VA.R. 1011	1/5/04
4 VAC 20-252-60	Amended	20:10 VA.R. 1011	1/5/04
4 VAC 20-252-70	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-90	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-100	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-130	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-150	Amended	20:10 VA.R. 1013	1/5/04
4 VAC 20-252-160	Amended	20:10 VA.R. 1014	1/5/04
4 VAC 20-490-35	Added	20:6 VA.R. 584	11/1/03
4 VAC 20-490-40	Amended	20:6 VA.R. 584	11/1/03
4 VAC 20-490-45	Added	20:6 VA.R. 584	11/1/03
4 VAC 20-620-30	Amended	20:4 VA.R. 342	10/15/03
4 VAC 20-620-40	Amended	20:4 VA.R. 342	10/15/03
4 VAC 20-650-10 through 4 VAC 20-650-40	Amended	20:6 VA.R. 585	11/1/03
4 VAC 20-720-20	Amended	20:6 VA.R. 585	11/1/03
4 VAC 20-720-40	Amended	20:6 VA.R. 586	11/1/03
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	20:4 VA.R. 344-346	10/8/03
4 VAC 20-720-50 through 4 VAC 20-720-90	Amended	20:6 VA.R. 587-588	11/1/03
4 VAC 20-720-40	Amended	20:10 VA.R. 1014	1/1/04
4 VAC 20-720-50	Amended	20:10 VA.R. 1015	1/1/04
4 VAC 20-720-60	Amended	20:10 VA.R. 1015	1/1/04
4 VAC 20-720-80	Amended	20:10 VA.R. 1016	1/1/04
4 VAC 20-752-20	Amended	19:25 VA.R. 3780	7/23/03

* Effective date changed in 20:11

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-950-46	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-950-47	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-950-48	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-1070-10 through 4 VAC 20-1070-50	Added	19:25 VA.R. 3781	8/1/03
4 VAC 25-10-10 through 4 VAC 25-10-80	Amended	20:10 VA.R. 1016	2/26/04
4 VAC 25-31 (Forms)	Amended	20:2 VA.R. 135	--
4 VAC 25-31 (Forms)	Amended	20:5 VA.R. 487	--
4 VAC 25-130 (Forms)	Amended	20:1 VA.R. 33	--
4 VAC 25-130-700.5	Amended	20:10 VA.R. 1017	2/25/04
4 VAC 25-130-800.21	Amended	20:10 VA.R. 1017	2/25/04
Title 6. Criminal Justice and Corrections			
6 VAC 20-171-10	Amended	20:3 VA.R. 214	11/19/03
6 VAC 20-171-20	Amended	20:3 VA.R. 217	11/19/03
6 VAC 20-171-30	Amended	20:3 VA.R. 217	11/19/03
6 VAC 20-171-40	Repealed	20:3 VA.R. 217	11/19/03
6 VAC 20-171-50 through 6 VAC 20-171-130	Amended	20:3 VA.R. 217-221	11/19/03
6 VAC 20-171-140	Repealed	20:3 VA.R. 221	11/19/03
6 VAC 20-171-150	Repealed	20:3 VA.R. 222	11/19/03
6 VAC 20-171-170 through 6 VAC 20-171-200	Amended	20:3 VA.R. 222-223	11/19/03
6 VAC 20-171-220	Amended	20:3 VA.R. 224	11/19/03
6 VAC 20-171-230	Amended	20:3 VA.R. 225	11/19/03
6 VAC 20-171-240	Amended	20:3 VA.R. 226	11/19/03
6 VAC 20-171-250 through 6 VAC 20-171-280	Amended	20:3 VA.R. 227-229	11/19/03
6 VAC 20-171-300	Amended	20:3 VA.R. 230	11/19/03
6 VAC 20-171-310	Amended	20:3 VA.R. 231	11/19/03
6 VAC 20-171-320	Amended	20:3 VA.R. 232	11/19/03
6 VAC 20-171-325	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-330	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-340	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-350 through 6 VAC 20-171-400	Amended	20:3 VA.R. 234-241	11/19/03
6 VAC 20-171-420	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-430	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-440	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-460	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-480	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-500	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-510	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-540	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-560	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-190	Erratum	20:8 VA.R. 850	--
6 VAC 20-190-10	Amended	20:4 VA.R. 346	12/3/03
6 VAC 20-190-40	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-60	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-90	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-100	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-120	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-150	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-190-160	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-190-170	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-200	Repealed	20:4 VA.R. 348	12/3/03
6 VAC 20-220-10 through 6 VAC 20-220-80	Added	20:4 VA.R. 348-350	12/3/03
6 VAC 20-230-10 through 6 VAC 20-230-99 emer	Added	20:9 VA.R. 905-915	1/12/04-1/11/05
Title 7. Economic Development			
7 VAC 10-20-10	Amended	20:10 VA.R. 1018	2/15/04
7 VAC 10-20-120	Amended	20:10 VA.R. 1020	2/15/04
7 VAC 10-20-300	Amended	20:10 VA.R. 1020	2/15/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 8. Education			
8 VAC 20-70-10	Amended	20:7 VA.R. 656	1/14/04
8 VAC 20-70-30	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-40	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-70	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-80	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-100 through 8 VAC 20-70-170	Amended	20:7 VA.R. 657-658	1/14/04
8 VAC 20-70-190	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-200	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-210	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-220	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-230	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-235	Added	20:7 VA.R. 658	1/14/04
8 VAC 20-70-240 through 8 VAC 20-70-270	Repealed	20:7 VA.R. 658	1/14/04
8 VAC 20-70-280	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-290	Amended	20:7 VA.R. 659	1/14/04
8 VAC 20-70-300	Amended	20:7 VA.R. 659	1/14/04
8 VAC 20-70-340 through 8 VAC 20-70-380	Amended	20:7 VA.R. 659-660	1/14/04
8 VAC 20-70-390	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-70-400 through 8 VAC 20-70-440	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-460	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-470	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-510	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-520	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-70-525	Added	20:7 VA.R. 660	1/14/04
8 VAC 20-70-530 through 8 VAC 20-70-1510	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-680-10 emer	Added	20:7 VA.R. 675	11/7/03-11/6/04
Title 9. Environment			
9 VAC 5-10-20	Amended	20:6 VA.R. 590	1/1/04
9 VAC 5-20-21	Amended	20:12 VA.R. 1476	3/24/04
9 VAC 5-20-206 (G02)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-20-206 (C03)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-40	Erratum	19:25 VA.R. 3844	--
9 VAC 5-40-240	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-310	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-3260	Amended	20:12 VA.R. 1479	3/24/04
9 VAC 5-40-5200	Amended	20:12 VA.R. 1500	3/24/04
9 VAC 5-40-5220	Amended	20:12 VA.R. 1501	3/24/04
9 VAC 5-40-5700 through 9 VAC 5-40-5770	Added	20:12 VA.R. 1480	3/24/04
9 VAC 5-40-5800	Amended	20:8 VA.R. 808	1/29/04
9 VAC 5-40-5810	Amended	20:8 VA.R. 808	1/29/04
9 VAC 5-40-5820	Amended	20:8 VA.R. 810	1/29/04
9 VAC 5-40-5822	Amended	20:8 VA.R. 810	1/29/04
9 VAC 5-40-5824	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5850	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5855	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5860	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5870	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5880	Amended	20:8 VA.R. 812	1/29/04
9 VAC 5-40-5890	Amended	20:8 VA.R. 812	1/29/04
9 VAC 5-40-5910	Amended	20:8 VA.R. 813	1/29/04
9 VAC 5-40-5920	Amended	20:8 VA.R. 813	1/29/04
9 VAC 5-40-6820 through 9 VAC 5-40-7230	Added	20:12 VA.R. 1480-1497	3/24/04
9 VAC 5-91-20 emer	Amended	20:12 VA.R. 1507	1/28/04-1/27/05
9 VAC 5-91-160 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05
9 VAC 5-91-180 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-91-750 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-91-760 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-140-421 emer	Added	20:11 VA.R. 1222	1/12/04-1/11/05
9 VAC 5-140-550	Amended	20:12 VA.R. 1504	3/24/04
9 VAC 20-80-150	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-160	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-170	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-180	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-190	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-205	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-210	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-240	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-250	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-260	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-270	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-280	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-300	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-310	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-330	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-340	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-360	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-370	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-460	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-485	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-500	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-510	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-520	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-530	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-550	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-570	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-580	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-600	Repealed	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-620	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-640	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-650	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-670	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-730	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-740	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-760	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-770	Repealed	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-780	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-790	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-170-70	Added	20:3 VA.R. 242	11/19/03
9 VAC 20-170-195	Added	20:3 VA.R. 243	11/19/03
9 VAC 25-260	Erratum	19:26 VA.R. 3926	--
9 VAC 25-260	Erratum	20:11 VA.R. 1387	--
9 VAC 25-260-5 through 9 VAC 25-260-30	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-50	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-140	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-150	Repealed	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-155	Amended	20:9 VA.R. 890	2/12/04
9 VAC 25-260-170	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-190 through 9 VAC 25-260-240	Repealed	19:25 VA.R. 3785	2/12/04 *

* Notice of effective date published in 20:9 VA.R. 890.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-260-300	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-310	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-320	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-340	Repealed	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-380 through 9 VAC 25-260-450	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-415	Added	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-470 through 9 VAC 25-260-540	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-280-10 through 9 VAC 25-280-90	Added	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-580-10	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-50	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-130	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-270	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-290	Repealed	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-320	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-790	Erratum	20:12 VA.R. 1526	--
9 VAC 25-790-10 through 9 VAC 25-790-1000	Added	20:9 VA.R. 891	2/12/04
Title 10. Finance and Financial Institutions			
10 VAC 5-200-90	Added	20:2 VA.R. 128	9/11/03
Title 11. Gaming			
11 VAC 10-20-410 through 11 VAC 10-20-417 emer	Added	19:26 VA.R. 3913-3919	8/13/03-8/12/04
11 VAC 10-130-77	Amended	20:4 VA.R. 350	10/14/03
11 VAC 10-150-130	Amended	20:4 VA.R. 351	11/17/03
Title 12. Health			
12 VAC 5-218-10 through 12 VAC 5-218-60	Added	19:26 VA.R. 3911	10/8/03
12 VAC 5-220-200	Amended	20:2 VA.R. 129	11/5/03
12 VAC 5-400-10 through 12 VAC 5-400-90	Repealed	20:6 VA.R. 597	12/31/03
12 VAC 5-407-10 through 12 VAC 5-407-120	Added	19:26 VA.R. 3911	10/8/03
12 VAC 5-550-5	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-10	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-30	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-40	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-70	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-90 through 12 VAC 5-550-120	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-125	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-130	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-140	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-150	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-190	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-200	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-210	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-230 through 12 VAC 5-550-260	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-280 through 12 VAC 5-550-330	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-350 through 12 VAC 5-550-410	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-430 through 12 VAC 5-550-470	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-510	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-520	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-581	Repealed	20:9 VA.R. 891	2/12/04
12 VAC 30-10-650 emer	Amended	20:10 VA.R. 1049	1/4/04-1/3/05
12 VAC 30-40-100	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-140	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-240	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-280	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-290	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-50-10	Amended	20:1 VA.R. 25	10/22/03
12 VAC 30-50-20	Amended	20:1 VA.R. 26	10/22/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-50	Amended	20:1 VA.R. 26	10/22/03
12 VAC 30-50-60	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-120	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-130	Amended	20:7 VA.R. 661	2/1/04
12 VAC 30-50-140	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-140	Amended	20:1 VA.R. 29	10/22/03
12 VAC 30-50-150	Amended	20:1 VA.R. 30	10/22/03
12 VAC 30-50-210 emer	Amended	20:8 VA.R. 836	1/4/04-1/3/05
12 VAC 30-50-210 emer	Amended	20:10 VA.R. 1054	1/4/04-1/3/05
12 VAC 30-50-530	Amended	20:1 VA.R. 28	10/22/03
12 VAC 30-50-226	Amended	20:7 VA.R. 661	2/1/04
12 VAC 30-50-420	Amended	20:7 VA.R. 664	2/1/04
12 VAC 30-50-430	Amended	20:7 VA.R. 664	2/1/04
12 VAC 30-50-510	Amended	20:7 VA.R. 667	2/1/04
12 VAC 30-60-61	Amended	20:7 VA.R. 669	2/1/04
12 VAC 30-60-143	Amended	20:7 VA.R. 669	2/1/04
12 VAC 30-60-147	Amended	20:7 VA.R. 673	2/1/04
12 VAC 30-70-201	Amended	20:5 VA.R. 455	1/4/04
12 VAC 30-70-291 emer	Amended	19:26 VA.R. 3920	8/13/03-8/12/04
12 VAC 30-70-301 emer	Amended	19:26 VA.R. 3921	8/13/03-8/12/04
12 VAC 30-70-331 emer	Amended	19:26 VA.R. 3922	8/13/03-8/12/04
12 VAC 30-70-425	Added	20:8 VA.R. 814	1/28/04
12 VAC 30-70-426	Added	20:8 VA.R. 814	1/28/04
12 VAC 30-80-20	Amended	20:8 VA.R. 815	1/28/04
12 VAC 30-80-30	Amended	20:8 VA.R. 817	1/28/04
12 VAC 30-80-40	Amended	20:2 VA.R. 132	11/6/03
12 VAC 30-80-40 emer	Amended	20:8 VA.R. 839	1/4/04-1/3/05
12 VAC 30-120-140 through 12 VAC 30-120-190	Amended	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-165	Added	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-195	Added	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-200	Repealed	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-201	Added	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-350 emer	Amended	20:8 VA.R. 843	12/4/03-12/3/04
12 VAC 30-120-370 emer	Amended	20:8 VA.R. 845	12/15/03-12/14/04
12 VAC 30-120-380 emer	Amended	20:8 VA.R. 847	12/15/03-12/14/04
12 VAC 30-120-420 emer	Amended	20:8 VA.R. 847	12/15/03-12/14/04
12 VAC 30-120-700	Amended	19:25 VA.R. 3786	10/1/03
12 VAC 30-120-710	Amended	19:25 VA.R. 3789	10/1/03
12 VAC 30-120-720	Amended	19:25 VA.R. 3789	10/1/03
12 VAC 30-130-290 through 12 VAC 30-130-340 emer	Amended	20:10 VA.R. 1050-1054	1/4/04-1/3/05
12 VAC 30-130-335 emer	Added	20:10 VA.R. 1053	1/4/04-1/3/05
12 VAC 30-130-400 emer	Amended	20:10 VA.R. 1054	1/4/04-1/3/05
12 VAC 30-130-550	Repealed	20:7 VA.R. 673	2/1/04
12 VAC 30-130-565	Amended	20:7 VA.R. 673	2/1/04
12 VAC 30-130-570	Repealed	20:7 VA.R. 673	2/1/04
12 VAC 30-130-1000 emer	Added	20:8 VA.R. 840	1/4/04-1/3/05
12 VAC 30-135-10 through 12 VAC 30-135-90	Added	19:25 VA.R. 3789-3791	10/1/03
12 VAC 35-105	Erratum	19:25 VA. R. 3844	--
12 VAC 35-180-10	Amended	20:9 VA.R. 892	2/11/04
12 VAC 35-180-20	Repealed	20:9 VA.R. 894	2/11/04
12 VAC 35-180-30 through 12 VAC 35-180-110	Amended	20:9 VA.R. 894-899	2/11/04
12 VAC 35-180-130 through 12 VAC 35-180-150	Amended	20:9 VA.R. 899	2/11/04
Title 13. Housing			
13 VAC 5-21-10	Amended	19:25 VA.R. 3791	10/1/03
13 VAC 5-21-20	Amended	19:25 VA.R. 3792	10/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-21-31	Amended	19:25 VA.R. 3792	10/1/03
13 VAC 5-21-41	Amended	19:25 VA.R. 3793	10/1/03
13 VAC 5-21-51	Amended	19:25 VA.R. 3795	10/1/03
13 VAC 5-21-61	Amended	19:25 VA.R. 3795	10/1/03
13 VAC 5-21-70	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-10	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-40	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-50	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-60	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-90	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-110	Amended	19:25 VA.R. 3797	10/1/03
13 VAC 5-31-180	Amended	19:25 VA.R. 3797	10/1/03
13 VAC 5-31-190	Added	19:25 VA.R. 3797	10/1/03
13 VAC 5-51	Erratum	20:1 VA.R 39	--
13 VAC 5-51-11	Amended	19:25 VA.R. 3798	10/1/03
13 VAC 5-51-21	Amended	19:25 VA.R. 3798	10/1/03
13 VAC 5-51-31	Amended	19:25 VA.R. 3799	10/1/03
13 VAC 5-51-41	Amended	19:25 VA.R. 3799	10/1/03
13 VAC 5-51-51	Amended	19:25 VA.R. 3800	10/1/03
13 VAC 5-51-61	Amended	19:25 VA.R. 3801	10/1/03
13 VAC 5-51-71	Repealed	19:25 VA.R. 3801	10/1/03
13 VAC 5-51-81	Amended	19:25 VA.R. 3802	10/1/03
13 VAC 5-51-85	Added	19:25 VA.R. 3810	10/1/03
13 VAC 5-51-91	Amended	19:25 VA.R. 3812	10/1/03
13 VAC 5-51-101	Amended	19:25 VA.R. 3813	10/1/03
13 VAC 5-51-111	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-121	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-129	Added	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-130	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-131	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-132	Added	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-133	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-135	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-136	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-140	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-150	Amended	19:25 VA.R. 3818	10/1/03
13 VAC 5-51-155	Added	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-160	Repealed	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-170	Repealed	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-180	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-181	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-182	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-190	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-200	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-61-11 through 13 VAC 5-61-460	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-62	Erratum	20:2 VA.R. 140	--
13 VAC 5-62-10 through 13 VAC 5-62-480	Added	19:25 VA.R. 3824	10/1/03
13 VAC 5-62-260 L	Suspended	20:2 VA.R. 133	¹
13 VAC 5-62-260 M	Suspended	20:2 VA.R. 133	¹
13 VAC 5-62-260 N	Suspended	20:2 VA.R. 133	¹
13 VAC 5-80-10	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-20	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-30	Repealed	19:25 VA.R. 3796	10/1/03

¹ Effective date suspended for further public comment.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-80-40 through 13 VAC 5-80-140	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-150	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-91-10	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-40	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-50	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-60	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-100	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-110	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-120	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-140	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-160	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-180	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-200	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-210	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-230	Repealed	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-245	Added	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-250	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-260	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-270	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 10-10-10	Amended	19:25 VA.R. 3826	8/1/03
13 VAC 10-10-20	Amended	19:25 VA.R. 3826	8/1/03
13 VAC 10-40-10	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-30 through 13 VAC 10-40-70	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-90	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-100	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-120	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-120	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-130	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-130	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-140	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-160	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-160	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-170	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-190 through 13 VAC 10-40-230	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-190	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-210	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-230	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-180-10	Amended	20:10 VA.R. 1021	1/12/04
13 VAC 10-180-50	Amended	20:10 VA.R. 1022	1/12/04
13 VAC 10-180-60	Amended	20:10 VA.R. 1023	1/12/04
Title 14. Insurance			
14 VAC 5-71 (Forms)	Added	20:11 VA.R. 1223	--
14 VAC 5-71-10	Amended	20:5 VA.R. 457	11/1/03
14 VAC 5-71-20	Amended	20:5 VA.R. 458	11/1/03
14 VAC 5-71-30	Repealed	20:5 VA.R. 459	11/1/03
14 VAC 5-71-31	Added	20:5 VA.R. 460	11/1/03
14 VAC 5-71-35	Added	20:5 VA.R. 463	11/1/03
14 VAC 5-71-40	Amended	20:5 VA.R. 464	11/1/03
14 VAC 5-71-60	Amended	20:5 VA.R. 464	11/1/03
14 VAC 5-71-70	Amended	20:5 VA.R. 465	11/1/03
14 VAC 5-71-80	Repealed	20:5 VA.R. 466	11/1/03
14 VAC 5-71-90	Amended	20:5 VA.R. 466	11/1/03
14 VAC 5-71-91	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-71-92	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-71-93	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-310	Erratum	20:8 VA.R. 850	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-310-10	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-20	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-30	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-40	Amended	20:5 VA.R. 470	12/31/03
14 VAC 5-310-50	Amended	20:5 VA.R. 470	12/31/03
14 VAC 5-310-60	Repealed	20:5 VA.R. 472	12/31/03
14 VAC 5-310-70	Repealed	20:5 VA.R. 473	12/31/03
14 VAC 5-310-80	Amended	20:5 VA.R. 475	12/31/03
14 VAC 5-310-90	Amended	20:5 VA.R. 479	12/31/03
14 VAC 5-310-100	Amended	20:5 VA.R. 481	12/31/03
14 VAC 5-310-105	Added	20:5 VA.R. 482	12/31/03
14 VAC 5-310-110	Repealed	20:5 VA.R. 482	12/31/03
Title 16. Labor and Employment			
16 VAC 25-85-1904.12	Repealed	20:7 VA.R. 673	1/15/04
16 VAC 25-85-1904.29	Amended	20:7 VA.R. 673	1/15/04
16 VAC 25-145-10 through 16 VAC 25-145-50	Added	20:12 VA.R. 1505-1506	4/1/04
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-10 through 18 VAC 5-21-40 emer	Amended	20:9 VA.R. 915-921	12/15/03-12/14/04
18 VAC 5-21-170 emer	Amended	20:9 VA.R. 921	12/15/03-12/14/04
18 VAC 10-10-10	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 10-10-30	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 10-10-40	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 10-10-90	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 15-10-10 through 18 VAC 15-10-90	Amended	20:11 VA.R. 1191-1192	4/24/04
18 VAC 15-30	Erratum	19:26 VA.R. 3926	--
18 VAC 25-10-10 through 18 VAC 25-10-90	Amended	20:11 VA.R. 1193-1195	4/24/04
18 VAC 30-20-10	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-150	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-170	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-240	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-280	Amended	20:8 VA.R. 821	1/28/04
18 VAC 41-10-10 through 18 VAC 41-10-60	Amended	20:11 VA.R. 1195-1196	4/24/04
18 VAC 41-10-80	Amended	20:11 VA.R. 1196	4/24/04
18 VAC 41-10-90	Amended	20:11 VA.R. 1196	4/24/04
18 VAC 47-10-10 through 18 VAC 47-10-90	Amended	20:11 VA.R. 1198	4/24/04
18 VAC 50-10-10 through 18 VAC 50-10-90	Amended	20:11 VA.R. 1200-1201	4/24/04
18 VAC 60-20-50	Amended	20:9 VA.R. 902	4/1/04
18 VAC 62-20-10 through 18 VAC 62-20-180	Added	20:12 VA.R. 1515-1518	2/2/04-2/1/05
18 VAC 65-20	Erratum	20:10 VA.R. 1060	--
18 VAC 65-20-10	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-50	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-70	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-170	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-350	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-400	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-440	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-570	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-580	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-590	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-700	Amended	20:8 VA.R. 824	1/28/04
18 VAC 70-10-10 through 18 VAC 70-10-90	Amended	20:11 VA.R. 1203-1204	4/24/04
18 VAC 76-40-10 emer	Added	19:25 VA.R. 3831	8/6/03-8/5/04
18 VAC 76-40-20 emer	Added	19:25 VA.R. 3831	8/6/03-8/5/04
18 VAC 76-40-30 emer	Added	19:25 VA.R. 3832	8/6/03-8/5/04
18 VAC 76-40-30 emer (Forms)	Added	19:25 VA.R. 3833	--
18 VAC 80-20-70	Amended	19:25 VA.R. 3827	10/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-20-10	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-22	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-30	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-120	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-121	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-131	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-140	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-150	Repealed	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-210	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-230	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-235	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-236	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-240	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-110-50	Amended	20:10 VA.R. 1046	4/26/04
18 VAC 85-110-60	Amended	20:10 VA.R. 1047	4/26/04
18 VAC 100-10-10 through 18 VAC 100-10-90	Amended	20:11 VA.R. 1205-1206	4/24/04
18 VAC 120-10-100 through 18 VAC 120-10-180	Amended	20:11 VA.R. 1208-1209	4/24/04
18 VAC 130-10-10 through 18 VAC 130-10-90	Amended	20:11 VA.R. 1210-1211	4/24/04
18 VAC 135-10-10 through 18 VAC 135-10-90	Amended	20:11 VA.R. 1213-1214	4/24/04
18 VAC 140-20-105	Amended	20:8 VA.R. 825	1/28/04
18 VAC 140-20-150	Amended	20:8 VA.R. 826	1/28/04
18 VAC 145-10-10 through 18 VAC 145-10-90	Amended	20:11 VA.R. 1215-1217	4/24/04
18 VAC 155-10-5	Added	20:11 VA.R. 1217-1218	4/24/04
18 VAC 155-10-10 through 18 VAC 155-10-80	Amended	20:11 VA.R. 1218-1219	4/24/04
18 VAC 160-10-10 through 18 VAC 160-10-90	Amended	20:11 VA.R. 1220-1221	4/24/04
Title 19. Public Safety			
19 VAC 30-20-80	Amended	20:4 VA.R. 352	1/2/04
19 VAC 30-80-20	Amended	20:2 VA.R. 134	11/5/03
19 VAC 30-80-40	Added	20:2 VA.R. 134	11/5/03
Title 20. Public Utilities and Telecommunications			
20 VAC 5-10-20	Amended	20:10 VA.R. 1044	12/23/04
Title 21. Securities and Retail Franchising			
21 VAC 5-120-50	Amended	20:1 VA.R. 32	9/2/03
Title 22. Social Services			
22 VAC 30-20-90	Amended	20:7 VA.R. 674	1/15/04
22 VAC 30-30-10	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-20	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-30	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-31	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-40	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-50 through 22 VAC 30-30-120	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-130	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-131	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-140	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-141	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-160	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-170 through 22 VAC 30-30-210	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-171	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-181	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-191	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-201	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-211	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-220	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-230	Repealed	20:9 VA.R. 901	2/11/04
22 VAC 30-30-240	Repealed	20:9 VA.R. 901	2/11/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 30-30-241	Added	20:9 VA.R. 901	2/11/04
22 VAC 30-30-250	Amended	20:9 VA.R. 901	2/11/04
22 VAC 30-30-260	Added	20:9 VA.R. 901	2/11/04
22 VAC 30-30-270	Added	20:9 VA.R. 901	2/11/04
22 VAC 30-30-280	Added	20:9 VA.R. 901	2/11/04
22 VAC 40-190	Erratum	20:12 VA.R. 1526	--
22 VAC 40-190-10 through 22 VAC 40-190-70	Repealed	20:11 VA.R. 1178	4/10/04 *
22 VAC 40-191	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191-10 through 22 VAC 40-191-150	Added	20:11 VA.R. 1179-1188	4/10/04 *
22 VAC 40-250-10	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-250-20	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-260-10	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-260-20	Amended	20:8 VA.R. 828	2/1/04
22 VAC 40-270	Repealed	20:8 VA.R. 831	2/1/04
22 VAC 40-675-10 through 22 VAC 40-675-220	Added	20:8 VA.R. 832-835	2/1/04
22 VAC 40-705-60	Amended	20:5 VA.R. 483	1/1/04
22 VAC 40-705-130	Amended	20:5 VA.R. 483	1/1/04
22 VAC 40-730-115	Added	20:5 VA.R. 484	1/1/04
Title 24. Transportation and Motor Vehicles			
24 VAC 30-71	Erratum	20:7 VA.R. 678	--
24 VAC 30-71-10	Amended	20:4 VA.R. 353	12/3/03
24 VAC 30-71-20	Amended	20:4 VA.R. 353	12/3/03
24 VAC 30-71-30	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-50	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-70	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-80	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-90	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-100	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-110	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-120	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-130	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-150	Amended	20:4 VA.R. 357	12/3/03
24 VAC 30-71-160	Amended	20:4 VA.R. 357	12/3/03
24 VAC 30-71-170	Amended	20:4 VA.R. 362	12/3/03
24 VAC 30-580-10 through 24 VAC 30-580-40	Amended	20:5 VA.R. 485-486	10/28/03

* Effective date corrected in 20:12

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Initial Agency Notice

Title of Regulation: **18 VAC 5-21. Board of Accountancy Regulations.**

Statutory Authority: §§ 54.1-4403 and 54.1-4409 of the Code of Virginia.

Name of Petitioner: W. Randolph Simmons.

Nature of Petitioner's Request: The petitioner is requesting the board to consider amending proposed regulations that will create a new designation of inactive status for CPAs in proposed new section 18 VAC 5-21-81. This proposed designation will cover the CPA who is not providing or offering to provide any services involving the application of accounting and auditing knowledge or experience, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters for the public, an employer or other organization. If this situation exists for the CPA, then the CPA may discontinue renewal of his license and may use the designation CPA (Inactive) on business cards or letterhead. The petitioner is requesting to change the new designation from "CPA (Inactive)" to "CPA (Retired)."

Agency's Plan for Disposition of Request: The agency will submit the petition for publication in the Virginia Register for a 30-day public comment period. After the public comment period the board will meet on May 6, 2004, to consider whether to recommend such an amendment to the proposed regulations regarding the inactive status of a CPA. Details about the board meeting, which will be available at a later date, will be published in the Virginia Register or will be available by calling the agency office.

Public comments may be submitted until April 7, 2004.

Agency Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 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.

VA.R. Doc. No. R04-115; Filed February 16, 2004, 9:01 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 2. AGRICULTURE

PESTICIDE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Pesticide Control Board intends to consider amending regulations entitled **2 VAC 20-51, Regulations Governing Pesticide Applicator Certification Under Authority of the Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation (i) to help reduce fraudulent examination activities by eliminating proctoring by private individuals; (ii) to more clearly define application and training requirements; (iii) to establish applicator categories in areas where needed for industry; (iv) to meet EPA requirements; and (v) for housekeeping purposes. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Public comments may be submitted until March 12, 2004.

Contact: Marvin A. Lawson, Ph.D., Executive Secretary, Pesticide Control Board, 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 786-3534, FAX (804) 786-5112, toll-free 1-800-552-9963 or e-mail mlwson@vdacs@state.va.us.

VA.R. Doc. No. R04-77; Filed December 30, 2003, 11:16 a.m.



TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-40, Policy for Nutrient Enriched Waters**. The purpose of the proposed action is to establish numerical limitations for the discharge of total nitrogen, and the possible revision of numerical limitations for the discharge of total phosphorus, for certain discharges located within the Chesapeake Bay watershed.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 303 of the Clean Water Act.

Public comments may be submitted until 5 p.m. on March 12, 2004.

Contact: John Kennedy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4312, FAX (804) 698-4116 or e-mail jmkennedy@deq.state.va.us.

VA.R. Doc. No. R04-78; Filed December 31, 2003, 11:48 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-110, Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day**. The purpose of the proposed action is to reissue the existing general permit that expires on August 1, 2006. The general permit will establish limitations and monitoring requirements for domestic sewage discharges of less than or equal to 1,000 gallons per day.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia, § 402 of the federal Clean Water Act, and 40 CFR Parts 122, 123 and 124.

Public comments may be submitted until 5 p.m. on April 8, 2004.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032 or e-mail ychoi@deq.state.va.us.

VA.R. Doc. No. R04-117; Filed February 18, 2004, 8:48 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-115, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities**. The purpose of the proposed action is to reissue the existing general permit that expires on July 24, 2006. The goal of the regulatory action is to continue the existence of the general permit that establishes limitations and monitoring requirements for point source discharges from seafood processing facilities.

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

Notices of Intended Regulatory Action

Statutory Authority: § 62.1-44.15 of the Code of Virginia, § 402 of the federal Clean Water Act, and 40 CFR Parts 122, 123 and 124.

Public comments may be submitted until 5 p.m. on April 8, 2004.

Contact: Michael Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail mbgregory@deq.state.va.us.

VA.R. Doc. No. R04-118; Filed February 18, 2004, 8:48 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the state's Antidegradation Policy (9 VAC 25-260-30), part of the Water Quality Standards, by designating portions of the following 11 waters located on federal land within Shenandoah National Park: Big Run, Brokenback Run, Doyles River, East Branch Naked Creek, East Hawksbill Creek, Hughes River, Jeremys Run, North Fork Thornton River, Piney River, Rose River, and White Oak Canyon Run as Exceptional State Waters (9 VAC 25-260-30 A 3 c). The Exceptional State Waters category of the Antidegradation Policy allows the board to designate waters that display exceptional environmental settings and either exceptional aquatic communities or exceptional recreational opportunities for added protection. Once designated, the Antidegradation Policy provides that no water quality degradation would be allowed in the Exceptional State Waters. The only exception would be temporary, limited impact activities. By ensuring that no water quality degradation is allowed to occur in waters with exceptional environmental settings and either exceptional recreational opportunities or exceptional aquatic communities, the board is protecting these special waters at their present quality for use and enjoyment by future generations of Virginians.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; Clean Water Act (33 USC § 1251 et seq.); 40 CFR Part 131.

Public comments may be submitted until 5 p.m. on April 9, 2004.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113 or e-mail jwggregory@deq.state.va.us.

VA.R. Doc. No. R04-110; Filed February 4, 2004, 10:57 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less Than One-Half of an Acre**. The purpose of the proposed

action is to allow for revisions to the above-referenced general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-100; Filed January 20, 2004, 2:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **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**. The purpose of the proposed action is to allow for revisions to the above-referenced general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-101; Filed January 20, 2004, 2:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects**. The purpose of the proposed action is to allow for revisions to the above-referenced general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Notices of Intended Regulatory Action

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-102; Filed January 20, 2004, 2:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-690, Virginia Water Protection General Permit for Impacts from Development Activities**. The purpose of the proposed action is to allow for revisions to the above-referenced general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-104; Filed January 20, 2004, 2:55 p.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 50-30, Tradesman Rules and Regulations**. The purpose of the proposed action is to amend the current regulations to clarify eligibility requirements for licensure, implement continuing education requirements permitted by statute, 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: §§ 54.1-204 and 54.1-1102 of the Code of Virginia.

Public comments may be submitted until March 24, 2004.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or e-mail eric.olson@dpor.virginia.gov.

VA.R. Doc. No. R04-107; Filed February 2, 2004, 1:47 p.m.

FAIR HOUSING BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Fair Housing Board intends to consider promulgating regulations entitled **18 VAC 62-20, Fair Housing Certification Regulations**. The purpose of the proposed action is to promulgate regulations for establishing an education-based certification program for persons subject to the fair housing law who are involved in the business or activity of selling or renting dwellings.

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

Statutory Authority: § 54.1-2344 of the Code of Virginia.

Public comments may be submitted until March 24, 2004.

Contact: Christine Martine, Executive Director, Fair Housing Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946 or e-mail fhcertification@dpor.virginia.gov.

VA.R. Doc. No. R04-108; Filed February 2, 2004, 1:47 p.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.
Language which has been stricken indicates proposed text for deletion.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-590. Petroleum Underground Storage Tank Financial Responsibility Requirements (amending 9 VAC 25-590-10 through 9 VAC 25-590-40, 9 VAC 25-590-60 through 9 VAC 25-590-100, 9 VAC 25-590-120, 9 VAC 25-590-140 through 9 VAC 25-590-210 and 9 VAC 25-590-260).

Statutory Authority: §§ 62.1-44.34:9 and 62.1-44.34:12 of the Code of Virginia; 40 CFR Part 280.

Public Hearing Date: April 13, 2004 - 10 a.m.

Public comments may be submitted until 5 p.m. on May 7, 2004.

(See Calendar of Events section for additional information)

Agency Contact: Renee Hooper, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4018, or e-mail rthooper@deq.state.va.us.

Basis: The legal basis for the Virginia Petroleum Underground Storage Tank (UST) Financial Responsibility Requirements regulation (9 VAC 25-590) is the State Water Control Law. Specifically, § 62.1-44.34:9(8) authorizes the State Water Control Board to promulgate such regulations as may be necessary to carry out its powers and duties with regard to USTs in accordance with federal laws and regulations. Further, § 62.1-44.34:12 A of the State Water Control Law provides the direct authority to the State Water Control Board to promulgate regulations that conform to the federal UST financial responsibility requirements of 42 USC § 6991b (d) and any regulations adopted thereunder.

The Virginia Petroleum UST Financial Responsibility Requirements regulation substantially duplicates the federal UST financial responsibility requirements. As provided by federal law, the Virginia regulation (9 VAC 25-590-210) allows tank owners/operators to use the Virginia Petroleum Storage Tank Fund (VPSTF) as a means for meeting the financial responsibility demonstration amount that is in excess of the financial responsibility amount required under VPSTF's sliding scale financial responsibility requirement (see attached fact sheet for more information on sliding scale). Owners/operators may use VPSTF in combination with one of six allowable demonstration mechanisms in order to satisfy the financial responsibility demonstration requirements.

Purpose: According to the Virginia Petroleum UST Financial Responsibility Requirements (9 VAC 25-590), owners/operators of regulated petroleum USTs must demonstrate they have the financial resources available to pay for the costs of cleanups and third party lawsuits in the

event of a release from a regulated tank. As part of the proposed regulatory action, the department has explored alternative methods for achieving compliance with the UST financial responsibility requirements while continuing to meet the goals of the financial responsibility regulations. Specifically, the department has investigated ways to reduce the cost of compliance with the regulation by proposing modified compliance requirements that are no less stringent than the existing requirements, but may be more cost effective to secure. The department hopes to make third party mechanisms more affordable to encourage owners/operators to use them to demonstrate. This will increase the level of protection provided to the public by this regulation. The department is also clarifying for owners/operators the appropriate way to use group self-insurance pools and individual self-insurance tests to demonstrate financial responsibility. The department is proposing changes that bring the regulation into conformance with the State Water Control Law. Finally, the department also is proposing administrative changes to the regulation that do not affect the regulatory requirements.

Substance: The department has explored alternative methods for achieving compliance with the UST financial responsibility regulations while continuing to meet the goals of the financial responsibility regulation. Specifically, the department has investigated ways to reduce the cost of compliance with the regulation by proposing modified compliance requirements. The department is proposing clarification changes to the regulation that bring it into conformance with statutory requirements. Also, the department is proposing changes that clarify the method to demonstrate using group self-insurance pools, including a new certificate of insurance form. The department is proposing changes to the financial assurance mechanism language that ensure the board receives notice of any cancellations and simplify the cashing process. The department is proposing changes that require an owner/operator to account for other types of self-insured liabilities when using a self-insurance mechanism. Finally, the department is proposing administrative changes to the regulation that do not affect the regulatory requirements.

Issues: The primary advantage to the public from the proposed amendments is an increased level of protection associated with third party financial mechanisms. By deleting the standby trust fund requirement for letters of credit and surety bonds, the department will reduce the cost of obtaining these mechanisms and thus encourage owners and operators to demonstrate using these mechanisms rather than self insurance. Financial mechanisms backed by a third party such as a bank or surety company are more likely to ensure that the money will be available for clean up or compensating third parties than relying on the owner or operator's net worth. Other proposed changes to the regulation increase the reliability of all the financial assurance mechanisms and, thus, increase the level of protection provided to the public. There

are no potential disadvantages to the public or the Commonwealth from adopting the proposed amendments.

Locality particularly affected: The impact of this regulation is statewide; therefore, the department anticipates that all localities will be equally affected.

Public participation: In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal and the impacts of the regulation on farm or forest lands.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail to Renee Hooper, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009, (804) 698-4018, rthooper@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.

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 authorizes the State Water Control Board in § 62.1-44.34:9 of the Code of Virginia to promulgate regulations necessary to carry out its powers and duties with regard to underground storage tanks in accordance with applicable federal laws and regulations. Specifically, § 62.1-44.34:12 of the Code of Virginia mandates that the State Water Control Board adopt regulations that conform to federal financial responsibility requirements of 42 USC § 6991b(d) and any regulations adopted thereunder.

The proposed regulation (1) modifies the self-insurance requirements to account for aboveground storage tank financial responsibility liabilities, (2) removes the standby trust requirement when demonstrating financial responsibility through a letter of credit, a surety bond, or a guarantee (to be removed at the final stage of adoption of the regulation), (3) includes additional reporting requirements for owners and operators of underground storage tanks and providers of financial assurance, (4) requires surety bonds to meet additional conditions designed to reduce the cost to the Commonwealth in the case of litigation by the State Water Control Board to compel payment, and (5) includes additional language that specifies the procedure for the establishment and use of group self-insurance pools to demonstrate financial responsibility.

The proposed regulation also updates references in the existing regulation, incorporates changes that make the regulation consistent with the Code of Virginia and with current practice, adds clarifying language, and includes some minor administrative changes.

Estimated economic impact. (1) The proposed regulation modifies the self-insurance requirements to account for aboveground storage tank (AST) financial responsibility liabilities. Underground storage tank (UST) owners choosing to self-insure will be required to have tangible net worth that covers not only the UST financial responsibility amount required by this regulation but also any AST financial responsibility amount required under 9 VAC 25-640 (Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements) for which they have used self-insurance to demonstrate financial responsibility. According to the Department of Environmental Quality (DEQ), the AST financial responsibility requirements were adopted in 2001, after the last revision of the UST financial responsibility regulation. The proposed regulation is intended to incorporate any AST financial liabilities for which self-insurance has been used to demonstrate financial responsibility into the net worth calculations of a UST owner seeking to self-insure. According to a limited survey of UST owners by DEQ, approximately 68% (or 3,944 out of 5,800 UST owners) use self-insurance to demonstrate financial responsibility.

The proposed change is likely to raise the net worth required for self-insurance and prevent some UST owners from using self-insurance to demonstrate financial responsibility. DEQ believes that very few UST owners will be disqualified from self-insuring because of this change. According to DEQ, smaller UST owners tend not to use self-insurance to demonstrate financial responsibility. The paperwork requirements and the cost of hiring an independent certified public accountant to verify the financial statements are usually greater for small UST owners than the cost of obtaining a third party instrument such as a surety bond or a letter of credit. Larger UST owners that do use self-insurance are likely to have adequate financial resources to cover their AST and UST liabilities and thus are not likely to be significantly affected by the proposed change.

While the proposed change may disqualify some UST owners from self-insuring, it is also likely to produce some economic benefits. Requiring UST owners to have net worth that covers their UST and AST financial responsibility requirement will ensure that UST owners that self-insure have adequate resources to cover the cost of taking corrective action and meeting third party claims in the event of leaks or releases from their aboveground and underground storage tanks.

The net economic impact of the proposed change will depend on the likelihood of an entity that owns ASTs and USTs experiencing leaks or releases from both within a short period of time. If the likelihood of such an occurrence is significant, the proposed change is likely to have a positive economic impact by ensuring that UST owners that do use self-insurance to demonstrate financial responsibility for their ASTs and USTs have adequate resources to cover the cost of taking corrective action and meeting third party claims arising out of leaks or releases from both types of tanks. If, on the

Proposed Regulations

other hand, the likelihood of such an occurrence is not significant, the proposed change is likely to have a net negative economic impact by increasing the cost of self-insurance for UST owners while not providing any significant additional economic benefits. There is no data currently available on the likelihood of leaks or releases occurring within a short period of time at aboveground and the underground storage tanks owned by the same entity.

(2) The proposed regulation removes the standby trust requirement when using surety bonds, letters of credit, and guarantees to demonstrate financial assurance (DEQ intends to remove the standby trust requirement for guarantees at the final stage of adoption of the proposed regulation). Under existing policy, a UST owner using a surety bond, a letter of credit, or a guarantee to demonstrate financial responsibility is required to set up a standby trust at the time when the surety bond, letter of credit, or guarantee is acquired. In the event of a leak or release, the surety, the institution issuing the letter of credit, or the guarantor is required to deposit the amount needed to undertake corrective action and cover third party claims into the standby trust (the exact amount needed is determined by the State Water Control Board).

The proposed regulation removes the standby trust requirement. In the event of a leak or release from a UST, the surety, the institution issuing the letter of credit, or the guarantor will be required to directly pay the State Water Control Board. According to DEQ, the money so collected will be deposited into the Virginia Petroleum Storage Tank Fund and used for corrective action and to cover third party claims arising from the leak or release. Based on a survey of a subset of UST owners, DEQ estimates that approximately 6% of UST owners (348 out of a total of 5,800 UST owners) use letters of credit, less than 1% (under 58 out of 5,800 UST owners) use surety bonds and trusts, and 2% (116 of out of a total 5,800 UST owners) use guarantees to demonstrate financial responsibility.

The proposed change is likely to have a net positive economic impact. According to DEQ, it costs between \$500 and \$1,000 to set up a standby trust fund in addition to which the institution setting up the standby trust levies an annual maintenance fee for each year the trust fund is in operation. Thus, the proposed change will produce economic benefits for UST owners using surety bonds, letters of credit, or guarantees to demonstrate financial assurance, as they will no longer have to incur the cost of setting up and operating a standby trust fund. At the same time, the proposed change is not likely to impose any additional costs as it does in no way impair the ability of the State Water Control Board to recoup the cost of undertaking corrective action and covering third party claims in the event of a leak or release from a UST. Instead of being put into a standby trust, the proposed regulation requires that the money be paid directly to the State Water Control Board.

(3) The proposed regulation includes additional reporting requirements for owners and operators of USTs and their providers of financial assurance. Owners and operators of USTs and their financial assurance providers are required to report any voluntary or involuntary bankruptcy proceedings to the State Water Control Board. In addition, financial providers

are required to notify the State Water Control Board of cancellation or non-renewal of a financial responsibility mechanism prior to cancellation of coverage. Guarantees, surety bonds, and letters of credit can be terminated no less than 120 days after the State Water Control Board has been notified. Insurance and group self-insurance pool coverage can be terminated no less than 60 days after notification (unless the termination is due to meet misrepresentation or nonpayment of dues, in which case coverage can be terminated 15 days after notification). Under the existing regulation, owners and operators of USTs and their financial assurance providers were not required to notify the State Water Control Board in the event of bankruptcy proceeding and/or cancellation of coverage.

The additional notification requirements are likely to impose some additional costs on owners and operators of USTs and the providers of financial assurance. However, the additional requirements are also likely to produce some economic benefits. By better ensuring that UST owners meet the financial assurance requirements, the proposed change reduces the chances of a UST owner not being able to pay the amount required to undertake corrective action and settle third party claims in the event of a leak or release. Overall, the small additional cost of notifying the State Water Control Board (the cost of sending a letter by certified mail) is likely to be outweighed by the benefits of ensuring that a UST owner is able to meet the financial burden of a clean up.

(4) The proposed regulation requires surety bonds to meet additional conditions designed to reduce the cost to the Commonwealth in the case of litigation by the State Water Control Board to compel payment. These include requiring the surety to pay interest on the amount of the claim starting seven days after notification by the State Water Control Board of the claim and requiring the surety to be liable for all costs and legal fees incurred by the State Water Control Board in enforcing a claim. The proposed regulation also includes additional language clarifying the circumstances under which a claim against a surety bond might be made. According to DEQ, the changes were proposed following litigation with a bond company to enforce a claim that lasted almost a year.

The proposed change is likely to have a positive economic impact. By requiring the surety to pay interest retroactively on the amount of the claim and bear the legal costs associated with litigating the claim, the proposed regulation reduces the costs incurred by DEQ when a surety challenges a claim. Transferring some or all of the cost associated with challenging a claim to the surety will produce economic benefits by resulting in a more efficient use of resources. With some of the cost being subsidized by DEQ (and hence the taxpayers), sureties that challenge a claim are not paying the full costs associated with doing so. This could potentially result in more claims being challenged than if the cost of doing so was a more accurate reflection of actual costs. By transferring some or all of the cost, the proposed change will result in only those sureties challenging the claim that are willing to bear the actual cost of doing so.

(5) The proposed regulation specifies the procedure for the use and establishment of group self-insurance pools in demonstrating financial responsibility. While the existing

regulation does provide for the use of group self-insurance pools to demonstrate financial assurance, it does not include many specifics. The additional language included in the proposed regulation clarifies how these pools are to be established and used to demonstrate financial responsibility. The additional language is based on State Corporation Commission regulations on group self-insurance pools promulgated in 2002. DEQ believes that including the additional language will clarify aspects of the existing regulation to do with the establishment and use of group self-insurance pools. According to DEQ, there are no UST owners currently using group self-insurance pools to demonstrate financial responsibility.

The proposed change is likely to have a small positive economic impact. To the extent that it clarifies and improves the understanding and implementation of the existing regulation, it is likely to produce some economic benefits.

Businesses and entities affected. The proposed regulation affects all UST owners and operators operating in Virginia and their providers of financial assurance. According to DEQ, there are 29,000 USTs owned by 5,800 individuals and/or entities currently in operation at 11,000 sites across Virginia. Based on a limited survey of UST owners, DEQ estimates that when demonstrating financial responsibility 68% use self-insurance, 23% obtain liability insurance, 6% use letters of credit, 2% use guarantees, and less than 1% use surety bonds and trust funds. Modification of the self-insurance requirements to account for AST financial responsibility liabilities will affect all UST owners using self-insurance to demonstrate financial responsibility. Some UST owners may be disqualified from using self-insurance to provide financial assurance. Based on the DEQ survey, approximately 68% or 3,944 UST owners out of 5,800 use self-insurance to provide financial assurance. Removal of the standby trust fund requirement for surety bonds, letters of credit, and guarantees is likely to reduce the cost incurred by UST owners when using those instruments to demonstrate financial responsibility. Based on the DEQ survey, approximately 6% of UST owners or 348 out of 5,800 use letters of credit, approximately 2% use guarantees, and less than 1% use surety bonds and trust funds when providing financial assurance. The additional reporting requirements are likely to affect all UST owners operating in Virginia and their financial assurance providers. Transferring some or all of the cost of challenging a claim to the bond company mounting the challenge is likely to make it more expensive for bond companies, and possibly for UST owners using surety bonds to demonstrate financial responsibility, to provide financial assurance. According to the DEQ survey, less than 1% of UST owners use surety bonds to demonstrate financial responsibility. Specification of the procedure for the establishment and use of group self-insurance pools will affect all UST owners operating in Virginia and is likely to encourage the use of this mechanism when providing financial assurance. According to DEQ, there are currently no UST owners using group self-insurance pools to demonstrate financial responsibility.

Localities particularly affected. The proposed regulation affects all localities in the Commonwealth.

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. Proposed changes such as modification to the self-insurance requirements to account for AST financial responsibility liabilities, transfer of some or all of the cost of challenging a claim to the bond company mounting the challenge, and inclusion of additional reporting requirements for UST owners and their financial assurance providers are likely to increase the cost of operation for some UST owners and financial assurance providers and thus lower their asset value. However, some UST owners and financial assurance providers are likely to benefit through lower costs and higher asset values from proposed changes such as removal of the standby trust fund requirement for surety bonds, letters of credit, and guarantees and inclusion of additional language specifying the procedure for the establishment and use of group self-insurance pools to demonstrate financial responsibility.

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:

The proposed amendments bring the regulation into conformance with statutory requirements; clarify the method to demonstrate using group self-insurance pools, including a new certificate of insurance form; modify the financial assurance mechanism language to ensure the board receives notice of any cancellations and to simplify the cashing process; require an owner/operator to account for other types of self-insured liabilities when using a self-insurance mechanism; and make administrative changes to the regulation.

9 VAC 25-590-10. Definitions.

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

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank that results in a need for corrective action or compensation, ~~or both~~, for bodily injury or property damage, *or both*, neither expected nor intended by the tank owner or operator.

"Annual aggregate" means the maximum financial responsibility requirement that an owner or operator is required to demonstrate annually.

"Board" means the State Water Control Board.

"Bodily injury" means the death or injury of any person incident to an accidental release from a petroleum underground storage tank; but not including any death, disablement, or injuries covered by workers' compensation, disability benefits or unemployment compensation law or other similar law. Bodily injury may include payment of medical, hospital, surgical, and funeral expenses arising out of the death or injury of any person. This term shall not include those liabilities which, consistent with standard insurance

Proposed Regulations

industry practices, are excluded from coverage in liability insurance policies for bodily injury.

"Controlling interest" means direct ownership of at least 50% of the voting stock of another entity.

"Corrective action" means all actions necessary to abate, contain and cleanup a release from an underground storage tank to mitigate the public health or environmental threat from such releases and to rehabilitate state waters in accordance with Parts V (9 VAC 25-580-190 et seq.) and VI (9 VAC 25-580-230 et seq.) of 9 VAC 25 Chapter 580, Underground Storage Tanks: Technical Standards and Corrective Action Requirements. The term does not include those actions normally associated with closure or change in service as set out in Part VII (9 VAC 25-580-320 et seq.) of 9 VAC 25 Chapter 580 or the replacement of an underground storage tank.

"Financial reporting year" means the latest consecutive 12-month period for which any of the following reports used to support a financial test is prepared: (i) a 10 K report submitted to the U.S. Securities and Exchange Commission (SEC); (ii) an annual report of tangible net worth submitted to Dun and Bradstreet; (iii) annual reports submitted to the Energy Information Administration or the Rural ~~Electrification Administration~~ *Utilities Service*; or (iv) a year-end financial statement authorized under 9 VAC 25-590-60 B or C of this chapter. "Financial reporting year" may thus comprise a fiscal or calendar year period.

"Gallons of petroleum pumped" means either the amount pumped into or the amount pumped out of a petroleum underground storage tank.

"Group self-insurance pool" or "pool" means a pool organized by two or more owners and/or operators of underground storage tanks for the purpose of forming a group self-insurance pool in order to demonstrate financial responsibility as required by § 62.1-44.34:12 of the Code of Virginia.

"Legal defense cost" is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought (i) by the federal government or the board to require corrective action or to recover the costs of corrective action, or to collect civil penalties under federal or state law or to assert any claim on behalf of the Virginia Petroleum Storage Tank Fund; (ii) by or on behalf of a third party for bodily injury or property damage caused by an accidental release; or (iii) by any person to enforce the terms of a financial assurance mechanism.

"Local government" means a municipality, county, town, commission, separately chartered and operated special district, school board, political subdivision of a state, or other special purpose government which provides essential services.

"Member" means an owner or operator of an underground storage tank that has entered into a member agreement and thereby becomes a member of a group self-insurance pool.

"Member agreement" means the written agreement executed between each member and the pool, which sets forth the conditions of membership in the pool, the obligations, if any, of

each member to the other members, and the terms, coverages, limits, and deductibles of the pool plan.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank.

NOTE: This definition is intended to assist in the understanding of this chapter and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence."

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Owner" means:

1. In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use, or dispensing of regulated substances; and
2. In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

The term "owner" shall not include any person, who, without participating in the management of an underground storage tank or being otherwise engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect the holder's security interest in the tank.

"Owner" or "operator," when the owner or operator are separate parties, refers to the person who is obtaining or has obtained financial assurances.

"Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, any state or agency thereof, municipality, county, town, commission, political subdivision of a state, any interstate body, consortium, joint venture, commercial entity, the government of the United States or any unit or agency thereof.

"Petroleum" means petroleum, including crude oil or any fraction thereof, that is liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute).

"Petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"Petroleum marketing firms" means all firms owning petroleum marketing facilities. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"Pool plan" means the plan of self-insurance offered by the pool to its members as specifically designated in the member agreement.

"Property damage" means the loss or destruction of, or damage to, the property of any third party including any loss, damage or expense incident to an accidental release from a

petroleum underground storage tank. This term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage shall not include corrective action associated with releases from tanks which are covered by the policy.

"Provider of financial assurance" means a person that provides financial assurance to an owner or operator of an underground storage tank through one of the mechanisms listed in 9 VAC 25-590-60 through 9 VAC 25-590-120 and 9 VAC 25-590-250, including a guarantor, insurer, group self-insurance pool, surety, or issuer of a letter of credit.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into ground water, surface water, or upon lands, subsurface soils or storm drain systems.

"Responsible person" means any person who is an owner or operator of an underground storage tank at the time the release is reported to the board.

"Substantial business relationship" means the extent of a business relationship necessary under Virginia law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the owner or operator.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Termination" under Appendix III and Appendix IV means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. This term does not include any:

1. Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. Tank used for storing heating oil for consumption on the premises where stored;
3. Septic tank;
4. Pipeline facility (including gathering lines) regulated under:
 - a. The Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671, et seq.),

- b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 USC App. 2001, et seq.), or

- c. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in subdivision 4 a or 4 b of this definition;

5. Surface impoundment, pit, pond, or lagoon;

6. Stormwater or wastewater collection system;

7. Flow-through process tank;

8. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

9. Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

The term "underground storage tank" or "UST" does not include any pipes connected to any tank which is described in subdivisions 1 through 9 of this definition.

"UST system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"9 VAC 25-580-10 et seq." means the Underground Storage Tanks: Technical Standards and Corrective Action Requirements regulation promulgated by the board.

9 VAC 25-590-20. Applicability.

A. This chapter applies to owners and operators of all petroleum UST systems regulated under 9 VAC 25-580-10 et seq., except as otherwise provided in this section.

B. Owners and operators of petroleum UST systems are subject to these requirements if they are in operation on or after the date for compliance established in 9 VAC 25-590-30.

C. State and federal government entities whose debts and liabilities are the debts and liabilities of the Commonwealth of Virginia or the United States have the requisite financial strength and stability to fulfill their financial assurance requirements and are relieved of the requirements to further demonstrate an ability to provide financial responsibility under this chapter.

D. The requirements of this chapter do not apply to owners and operators of any UST system described in 9 VAC 25-580-20 B or C.

E. If the owner and operator of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in event of noncompliance.

9 VAC 25-590-30. Compliance dates.

Owners of petroleum underground storage tanks are required to comply with the requirements of this chapter by the following dates:

1. All petroleum marketing firms owning 1,000 or more USTs and all other UST owners that report a tangible net worth of \$20 million or more to the U.S. Securities and

Proposed Regulations

Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration, or the Rural Electrification Administration Utilities Service: January 24, 1989; except that compliance for owners and operators using the mechanisms specified in 9 VAC 25-590-0 or 9 VAC 25-590-90 is required by July 24, 1989.

2. All petroleum marketing firms owning 100-999 USTs: October 26, 1989;

3. All petroleum marketing firms owning 13-99 USTs at more than one facility: April 26, 1991;

4. All petroleum UST owners not described in subdivision 1, 2, or 3 of this section, excluding local government entities: December 31, 1993;

5. All local government entities (including Indian tribes) not included in subdivision 6 of this section: February 18, 1994; or

6. Indian tribes that own USTs on Indian lands which meet the applicable technical requirements of 9 VAC 25-580-40 ~~et seq.~~: December 31, 1998.

9 VAC 25-590-40. Amount and scope of financial responsibility requirement.

A. Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in the following per-occurrence amounts:

1. For owners or operators of petroleum underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year; \$1 million.

2. For all other owners or operators of petroleum underground storage tanks; \$500,000.

B. Owners and operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following annual aggregate amounts:

1. For owners and operators of 1 to 100 petroleum underground storage tanks, \$1 million; and

2. For owners and operators of 101 or more petroleum underground storage tanks, \$2 million.

C. *Owners and operators of petroleum underground storage tanks may use the Virginia Petroleum Storage Tank Fund in combination with one or more of the mechanisms specified in 9 VAC 25-590-60 through 9 VAC 25-590-110 and 9 VAC 25-590-250 to satisfy the financial responsibility as required by this section. The fund may be used to demonstrate financial responsibility for the owner or operator in excess of the amounts specified in 9 VAC 25-590-210 B 1 up to the per occurrence and annual aggregate requirements specified in this section for both taking corrective action and compensating*

third parties for bodily injury and property damage caused by accidental releases from petroleum underground storage tanks.

~~C.~~ D. Owners and operators who demonstrate financial responsibility shall maintain copies of those records on which the determination is based. The following documents may be used for purposes of demonstrating financial responsibility by owners or operators to support a financial responsibility requirement determination:

1. Copies of invoices from petroleum suppliers which indicate the gallons of petroleum pumped into all underground storage tanks on an annual basis.

2. Copies of disposal or recycling receipts which indicate the gallons of petroleum pumped out of all underground storage tanks on an annual basis.

3. Letters from petroleum suppliers or disposal or recycling firms on the supplier's, disposer's or recycler's letterhead, which are signed by the appropriate financial officer and which indicate the gallons of petroleum pumped into or out of all of the owner's or operator's underground storage tanks on an annual basis.

4. Any other form of documentation which the board may deem to be acceptable evidence to support the financial responsibility requirement determination.

~~D.~~ E. For the purposes of this section, "a petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.

~~E.~~ F. If the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for: (i) taking corrective action; (ii) compensating third parties for bodily injury and property damage caused by sudden accidental releases; or (iii) compensating third parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms shall be in the full amount specified in subsection A of this section.

~~F.~~ G. If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the annual aggregate required for each mechanism shall be the amount specified in subsection B of this section.

~~G.~~ H. If assurance is being demonstrated by a combination of mechanisms, the owner or operator shall demonstrate financial responsibility in the appropriate amount of annual aggregate assurance specified in subsection B of this section, by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.

~~H.~~ I. The amounts of assurance required under this section exclude legal defense costs.

~~I.~~ J. The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.

9 VAC 25-590-60. Financial test of self-insurance.

A. An owner or operator and/or guarantor, may satisfy the requirements of 9 VAC 25-590-40 by passing a financial test as specified in this section. To pass the financial test of self-insurance, the owner or operator and/or guarantor shall meet the requirements of ~~subsections~~ *subsection B or C*; and *subsection D* of this section based on year-end financial statements for the latest completed financial reporting year.

B. 1. The owner or operator and/or guarantor shall have a tangible net worth at least equal to the total of:

a. The applicable aggregate *financial responsibility* amount required by 9 VAC 25-590-40 B for which a financial test is used to demonstrate financial responsibility, except as provided in 9 VAC 25-590-210-; and

b. *The aggregate aboveground storage tank financial responsibility amount required under 9 VAC 25-640, for which a financial test is used to demonstrate financial responsibility.*

2. In addition to the requirements set forth in subdivision 1 of this subsection, the owner or operator and/or guarantor shall also have a tangible net worth of at least 10 times:

a. The sum of the corrective action cost estimates, the current closure and postclosure care cost estimates, and amount of liability coverage for which a financial test for self-insurance is used in each state of business operations to demonstrate financial responsibility to the EPA under 40 CFR §§ 264.101(b), 264.143, 264.145, 265.143, 265.145, 264.147, and 265.147 (1997), to another state implementing agency under a state program authorized by EPA under 40 CFR Part 271 (1997) or the Virginia Waste Management Board under ~~9 VAC 20-60-590 C, 9 VAC 20-60-590 E, 9 VAC 20-60-590 G, 9 VAC 20-60-790 L, 9 VAC 20-60-810 C, 9 VAC 20-60-810 E, 9 VAC 20-60-810 G~~ 40 CFR 264.143, 264.145 and 264.147 (as incorporated by reference in 9 VAC 20-60-264) and 40 CFR 265.143, 265.145 and 265.147 (as incorporated by reference in 9 VAC 20-60-265) of the Virginia Hazardous Waste Management Regulations; and

b. The sum of current plugging and abandonment cost estimates for which a financial test for self-insurance is used in each state of business operations to demonstrate financial responsibility to EPA under 40 CFR 144.63 (1997) or to a state implementing agency under a state program authorized by EPA under 40 CFR Part 145 (1997) (*Underground Injection Control Program*).

3. The owner ~~and~~ or operator, and/or guarantor shall comply with either subdivision a or b below:

a. (1) The financial reporting year-end financial statements of the owner or operator and/or guarantor shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination; and

(2) The financial reporting year-end financial statements of the owner or operator and/or guarantor

cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

b. (1) (a) File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Electrification Administration Utilities Service; or

(b) Report annually the tangible net worth of the owner or operator and/or guarantor to Dun and Bradstreet, and Dun and Bradstreet shall have assigned a financial strength rating which at least equals the amount of financial responsibility required by the owner or operator under subdivisions 1 and 2 of this subsection. Relevant Dun and Bradstreet ratings are as follows (current Dun and Bradstreet ratings will be used for demonstration requirements which exceed the annual aggregate amounts listed below):

Annual Aggregate Requirement	Dun and Bradstreet Rating
\$20,000	EE (\$20,000 to \$34,999)
\$40,000	DC (\$50,000 to \$74,999)
\$80,000	CB (\$125,000 to \$199,999)
\$150,000	BB (\$200,000 to \$299,999)
\$200,000	BB (\$200,000 to \$299,999)
\$300,000	BA (\$300,000 to \$499,999)
\$500,000	1A (\$500,000 to \$749,999)
\$750,000	2A (\$750,000 to \$999,999)
\$1,000,000	3A (\$1,000,000 to 9,999,999); and

(2) The financial reporting year-end financial statements of the owner or operator and/or guarantor, if, independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

4. The owner or operator and/or guarantor shall have a letter signed by the chief financial officer worded identically as specified in Appendix I/Alternative I or Appendix XI.

C. 1. The owner or operator and/or guarantor shall have a tangible net worth at least equal to the total of:

a. The applicable aggregate amount required by 9 VAC 25-590-40 B for which a financial test is used to demonstrate financial responsibility, except as provided in 9 VAC 25-590-210-; and

b. *The aggregate aboveground storage tank financial responsibility amount required under 9 VAC 25-640 for which a financial test is used to demonstrate financial responsibility.*

2. In addition to the requirements set forth in subdivision 1 of this subsection, the owner or operator and/or guarantor shall also have a tangible net worth of at least six times:

a. The financial test requirements for self insurance of the corrective action cost estimates, the current closure and post-closure care cost estimates, and amount of liability coverage in each state of business operations to the EPA under 40 CFR ~~§§~~ 264.101(b), 264.143, 264.145, 265.143,

Proposed Regulations

265.145, 264.147, and 265.147 (1997), to another state implementing agency under a state program authorized by EPA under 40 CFR Part 271 (1997) or the Virginia Waste Management Board under ~~9 VAC 20-60-590 C, 9 VAC 20-60-590 E, 9 VAC 20-60-590 G, 9 VAC 20-60-790 L, 9 VAC 20-60-810 C, 9 VAC 20-60-810 E, 9 VAC 20-60-810 G~~ 40 CFR 264.143, 264.145 and 264.147 (as incorporated by reference in 9 VAC 20-60-264) and 40 CFR 265.143, 265.145, and 265.147 (as incorporated by reference in 9 VAC 20-60-265) of the Virginia Hazardous Waste Management Regulations; and

b. The financial test requirements for self-insurance of current plugging and abandonment cost estimates in each state of business operations to EPA under 40 CFR 144.63 (1997) or to a state implementing agency under a state program authorized by EPA under 40 CFR Part 145 (1997) (*Underground Injection Control Program*).

3. The financial reporting year-end financial statements of the owner or operator and/or guarantor shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

4. The financial reporting year-end financial statements of the owner or operator and/or guarantor cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

5. If the financial statements of the owner or operator and/or guarantor are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural ~~Electrification Administration~~ *Utilities Service*, the owner or operator and/or guarantor shall obtain a special report by an independent certified public accountant stating that:

a. The accountant has compared the data that the letter from the chief financial officer specified as having been derived from the latest financial reporting year-end financial statements of the owner or operator and/or guarantor with the amounts in such financial statements; and

b. In connection with that comparison, no matters came to the accountant's attention which caused him to believe that the specified data should be adjusted.

6. The owner or operator and/or guarantor shall have a letter signed by the chief financial officer, worded identically as specified in Appendix I/Alternative II or *Appendix XI*.

D. To meet the financial demonstration test under ~~subsections subsection B or C~~ of this section, the chief financial officer of the owner or operator and/or guarantor shall sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded identically as specified in Appendix I with the appropriate alternative or Appendix XI, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

E. If an owner or operator using the *financial* test to provide financial assurance finds that he no longer meets the requirements of the financial test based on the financial

reporting year-end financial statements, the owner or operator shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

F. The board may require reports of financial condition at any time from the owner or operator and/or guarantor. If the board finds, on the basis of such reports or other information, that the owner or operator and/or guarantor no longer meets the financial test requirements of subsection B or C and *subsection D* of this section, the owner or operator shall obtain alternate coverage within 30 days after notification of such finding.

G. If the owner or operator fails to obtain alternate assurance within 150 days of finding that he no longer meets the requirements of the financial test based on the financial reporting year-end financial statements, or within 30 days of notification by the board that he or she no longer meets the requirements of the financial test, the owner or operator shall notify the board of such failure within 10 days.

9 VAC 25-590-70. Guarantee.

A. An owner or operator may satisfy the requirements of 9 VAC 25-590-40 by obtaining a guarantee that conforms to the requirements of this section. The guarantor shall be:

1. A firm that:

a. Possesses a controlling interest in the owner or operator;

b. Possesses a controlling interest in a firm described under subdivision A 1 a of this section; or

c. Is controlled through stock ownership by a common parent firm that possesses a controlling interest in the owner or operator; or

2. A firm engaged in a substantial business relationship with the owner or operator and issuing the guarantee as an act incident to that business relationship.

B. Within 120 days of the close of each financial reporting year, the guarantor shall demonstrate that it meets the financial test criteria of 9 VAC 25-590-60 B or C and D based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in Appendix I or Appendix XI and shall deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year, the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator, *and the board*. If the board notifies the guarantor that he no longer meets the requirements of the financial test of 9 VAC 25-590-60 B or C and D, the guarantor shall notify the owner or operator within 10 days of receiving such notification from the board. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator ~~receives~~ *and the board receive* the notification, as evidenced by the return ~~receipt~~ *receipts*. The owner or operator shall obtain alternate coverage as specified in 9 VAC 25-590-190.

C. The guarantee shall be worded identically as specified in Appendix II, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

D. An owner or operator who uses a guarantee to satisfy the requirements of 9 VAC 25-590-40 shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the standby trust fund in accordance with instructions from the board under 9 VAC 25-590-170. This standby trust fund shall meet the requirements specified in 9 VAC 25-590-120.

9 VAC 25-590-80. Insurance and group self-insurance pool coverage.

A. 1. An owner or operator may satisfy the requirements of 9 VAC 25-590-40 by obtaining liability insurance that conforms to the requirements of this section from a qualified insurer or group self-insurance pool.

2. Such insurance may be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

3. Group self-insurance pools shall comply with § 62.1-44.34:12 of the Code of Virginia and the *rules promulgated by the State Corporation Commission Bureau of Insurance Regulation No. 33 designated as Chapter 380 of Title 14 of the Virginia Administrative Code and entitled "Rules Governing Underground Storage Tank Owners and Operators Group Self-Insurance Pools,"* (14 VAC 5-380-40 et seq.).

B. Each insurance policy shall be amended by an endorsement worded in no respect less favorable than the coverage as specified in Appendix III, or evidenced by a certificate of insurance worded identically as specified in Appendix IV, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.

C. Each insurance policy shall be issued by an insurer or a group self-insurance pool that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or approved surplus lines insurer in the Commonwealth of Virginia.

D. Each group self-insurance pool must be licensed in accordance with 14 VAC 5-380 and any coverage provided by such a pool shall be evidenced by a certificate of group self-insurance worded identically as specified in Appendix XII, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.

~~D. E.~~ Each insurance policy or group self-insurance pool plan shall provide first dollar coverage. The insurer or group self-insurance pool shall be liable for the payment of all amounts within any deductible applicable to the policy to the provider of corrective action or damaged third party, as provided in this chapter, with a right of reimbursement by the insured or member for any such payment made by the insurer or group self-insurance pool. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of

mechanisms as specified in 9 VAC 25-590-60 through 9 VAC 25-590-110 and 9 VAC 25-590-250.

9 VAC 25-590-90. Surety bond.

A. An owner or operator may satisfy the requirements of 9 VAC 25-590-40 by obtaining a surety bond that conforms to the requirements of this section. The surety company issuing the bond shall be licensed to operate as a surety in the Commonwealth of Virginia and be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

B. The surety bond shall be worded identically as specified in Appendix V, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.

C. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate penal sums.

~~D. The owner or operator who uses a surety bond to satisfy the requirements of 9 VAC 25-590-40 shall establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund paid directly to the board in accordance with instructions from the board under 9 VAC 25-590-170. This standby trust fund shall meet the requirements specified in 9 VAC 25-590-120.~~

9 VAC 25-590-100. Letter of credit.

A. An owner or operator may satisfy the requirements of 9 VAC 25-590-40 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this section. The issuing institution shall be an entity that has the authority to issue letters of credit in the Commonwealth of Virginia and whose letter-of-credit operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The letter of credit shall be worded identically as specified in Appendix VI, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

~~C. An owner or operator who uses a letter of credit to satisfy the requirements of 9 VAC 25-590-40 shall also establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the board will be deposited paid by the issuing institution directly into the standby trust fund to the board in accordance with instructions from the board under 9 VAC 25-590-170. This standby trust fund shall meet the requirements specified in 9 VAC 25-590-120.~~

D. The letter of credit shall be irrevocable with a term specified by the issuing institution. The letter of credit shall provide that credit will be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the owner or operator, and the board by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the owner or

Proposed Regulations

operator ~~receives and the board receive~~ the notice, as evidenced by the return ~~receipt receipts~~.

9 VAC 25-590-120. Standby trust fund.

A. An owner or operator, *or guarantor* using ~~any one of the mechanisms the guarantee~~ authorized by 9 VAC 25-590-70, ~~9 VAC 25-590-90 and 9 VAC 25-590-100~~ shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The standby trust agreement or trust agreement shall be worded identically as specified in Appendix VII, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted, and accompanied by a formal certification of acknowledgment as specified in Appendix VIII.

C. The board will instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the board determines that no additional corrective action costs or third party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

D. An owner or operator, *or guarantor* may establish one trust fund as the depository mechanism for all funds assured in compliance with this rule.

9 VAC 25-590-140. Cancellation or nonrenewal by a provider of financial assurance.

A. Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator, *and the board*.

1. Termination of a local government guarantee, a guarantee, a surety bond, or a letter of credit may not occur until 120 days after the date on which the owner or operator ~~receives, and the board receive~~ the notice of termination, as evidenced by the return ~~receipt receipts~~.

2. Termination of insurance or group self-insurance pool coverage, except for nonpayment or misrepresentation by the insured, may not occur until 60 days after the date on which the owner or operator ~~receives and the board receive~~ the notice of termination, as evidenced by the return ~~receipt receipts~~. Termination for nonpayment of premium or misrepresentation by the insured may not occur until a minimum of 15 days after the date on which the owner or operator ~~receives and the board receive~~ the notice of termination, as evidenced by the return ~~receipt receipts~~.

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in 9 VAC 25-590-190, the owner or operator shall obtain alternate coverage as specified in this section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator shall immediately notify the board of such failure and submit:

1. The name and address of the provider of financial assurance;

2. The effective date of termination; and

3. The evidence of the financial assurance mechanism subject to the termination maintained in accordance with 9 VAC 25-590-160 B.

9 VAC 25-590-150. Reporting by owner or operator.

A. An owner or operator shall submit the appropriate original forms listed in 9 VAC 25-590-160 B documenting current evidence of financial responsibility to the board within 30 days after the owner or operator identifies or confirms a release from an underground storage tank required to be reported under 9 VAC 25-580-220 or 9 VAC 25-580-240. For all subsequent releases within the same period of time for which the documents submitted according to this subsection are still effective, the owner or operator shall submit a letter which identifies the owner's or operator's name and address and the underground storage tanks' location by site name, street address, board incident designation number and a statement that the financial responsibility documentation previously provided to the board is currently in force.

B. An owner or operator shall submit the appropriate forms listed in 9 VAC 25-590-160 B documenting current evidence of financial responsibility to the board if the owner or operator fails to obtain alternate coverage as required by this chapter within 30 days after the owner or operator receives notice of:

1. Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a provider of financial assurance as a debtor;

2. Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism;

3. Failure of a guarantor to meet the requirements of the financial test; or

4. Other incapacity of a provider of financial assurance.

C. An owner or operator shall submit the appropriate forms listed in 9 VAC 25-590-160 B documenting current evidence of financial responsibility to the board as required by 9 VAC 25-590-60 G and 9 VAC 25-590-140 B.

D. An owner or operator shall certify compliance with the financial responsibility requirements of this chapter as specified in the new tank notification form (*Form 7530*) when notifying the board of the installation of a new underground storage tank under 9 VAC 25-580-70.

E. The board may require an owner or operator to submit evidence of financial assurance as described in 9 VAC 25-590-160 B or other information relevant to compliance with this chapter at any time.

9 VAC 25-590-160. Recordkeeping.

A. Owners or operators shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this chapter for an underground storage tank until released from the requirements of this chapter under 9 VAC 25-590-180. An owner or operator shall maintain such

evidence at the underground storage tank site or the owner's or operator's place of work in this Commonwealth. Records maintained off-site shall be made available upon request of the board.

B. Owners or operators shall maintain the following types of evidence of financial responsibility:

1. An owner or operator using an assurance mechanism specified in 9 VAC 25-590-60 through 9 VAC 25-590-110 and 9 VAC 25-590-250 shall maintain a copy of the instrument worded as specified.

2. An owner or operator using a financial test or guarantee, or a local government financial test or a local government guarantee supported by the local government financial test, shall maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence shall be on file no later than 120 days after the close of the financial reporting year.

3. An owner or operator using a guarantee, ~~surety bond, or letter of credit~~ shall maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.

4. A local government owner or operator using a local government guarantee with standby trust under 9 VAC 25-590-250 shall maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.

5. A local government owner or operator using the local government bond rating test under 9 VAC 25-590-250 shall maintain a copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's.

6. A local government owner or operator using the local government guarantee under 9 VAC 25-590-250, where the guarantor's demonstration of financial responsibility relies on the bond rating test under 9 VAC 25-590-250 shall maintain a copy of the guarantor's bond rating published within the last 12 months by Moody's or Standard & Poor's.

7. An owner or operator using an insurance policy or group self-insurance pool coverage shall maintain a copy of the signed insurance policy or group self-insurance pool ~~coverage policy plan and membership agreement~~, with the endorsement or certificate of insurance and any amendments to the agreements.

8. An owner or operator using a local government fund under 9 VAC 25-590-250 shall maintain the following documents:

a. A copy of the state constitutional provision or local government statute, charter, ordinance or order dedicating the fund; and

b. Year-end financial statements for the most recent completed financial reporting year showing the amount in the fund. If the fund is established under 40 CFR 280.107(a)(3) (1997) (as incorporated by reference in 9 VAC 25-590-250) using incremental funding backed by bonding authority, the financial statements shall show the

previous year's balance, the amount of funding during the year, and the closing balance in the fund.

e. If the fund is established under 40 CFR 280.107(a)(3) (1997) (as incorporated by reference in 9 VAC 25-590-250) using incremental funding backed by bonding authority, the owner or operator shall also maintain documentation of the required bonding authority, including either the results of a voter referendum (under 40 CFR 280.107(a)(3)(i) (1997)) (as incorporated by reference in 9 VAC 25-590-250), or attestation by the Virginia Attorney General as specified under 40 CFR 280.107(a)(3)(ii) (1997) (as incorporated by reference in 9 VAC 25-590-250).

9. A local government owner or operator using the local government guarantee supported by the local government fund shall maintain a copy of the guarantor's year-end financial statements for the most recent completed financial reporting year showing the amount of the fund.

10. a. An owner or operator using an assurance mechanism specified in 9 VAC 25-590-60 through 9 VAC 25-590-110 or 9 VAC 25-590-250 shall maintain an updated copy of a certification of financial responsibility worded identically as specified in Appendix IX, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

b. The owner or operator shall update this certification whenever the financial assurance mechanism or mechanisms used to demonstrate financial responsibility changes.

9 VAC 25-590-170. Drawing on financial assurance mechanism.

A. Except as specified in subsection D of this section, the board ~~shall may cash the letter of credit or surety bond or may require the guarantor, surety, or institution issuing a letter of credit to place the amount of funds stipulated by the board, up to the limit of funds provided by the financial assurance mechanism guarantee~~, into the standby trust if:

1. a. The owner or operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantee, surety bond, letter of credit; and

b. The board determines or suspects that a release from an underground storage tank covered by the mechanism has occurred and so notifies the owner or operator, or the owner or operator has notified the board pursuant to Parts V (9 VAC 25-580-190 et seq.) and VI (9 VAC 25-580-230 et seq.) of 9 VAC 25 Chapter 580 of a release from an underground storage tank covered by the mechanism; or

2. The conditions of subsection B of this section are satisfied.

B. The board may ~~draw on a standby trust fund use the financial responsibility funds obtained pursuant to subsection A of this section to conduct corrective action or to pay a third party claim~~ when:

Proposed Regulations

1. The board makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required under Part VI (9 VAC 25-580-230 et seq.); or

2. The board has received either:

a. Certification from the owner or operator and the third party liability claimant or claimants and from attorneys representing the owner or operator and the third party liability claimant or claimants that a third party liability claim should be paid. The certification shall be worded identically as specified in Appendix X, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted; or

b. A valid final court order establishing a judgment against the owner or operator for bodily injury or property damage caused by an accidental release from an underground storage tank covered by financial assurance under this chapter and the board determines that the owner or operator has not satisfied the judgment.

C. If the board determines that the amount of corrective action costs and third party liability claims eligible for payment under subsection B of this section may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment. The board shall direct payment ~~from the standby trust fund~~ *of the financial responsibility funds* for third party liability claims in the order in which the board receives certifications under subdivision B 2 a of this section and valid court orders under subdivision B 2 b of this section.

D. A local government acting as guarantor under 40 CFR 280.106(e) (1997) (as incorporated by reference in 9 VAC 25-590-250), the local government guarantee without standby trust, shall make payments as directed by the ~~director~~ *board* under the circumstances described in subsection A, B or C of this section.

9 VAC 25-590-180. Release from the requirements.

An owner or operator is no longer required to maintain financial responsibility under this chapter for an underground storage tank after the tank has been properly closed or a change-in-service *to an unregulated use* properly completed or, if corrective action is required, after corrective action has been completed and the tank has been properly closed as required by Part VII (9 VAC 25-580-320 et seq.) of 9 VAC 25 Chapter 580.

9 VAC 25-590-190. Bankruptcy or other incapacity of owner, operator or provider of financial assurance.

A. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, the owner or operator shall notify the board by certified mail of such commencement and submit the appropriate forms listed in 9 VAC 25-590-160 B documenting current financial responsibility.

B. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor shall notify the owner or operator *and the board* by certified mail of such commencement as required under the terms of the guarantee specified in 9 VAC 25-590-70.

C. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a local government owner or operator as debtor, the local government owner or operator shall notify the ~~director~~ *board* by certified mail of such commencement and submit the appropriate forms listed in 9 VAC 25-590-160 B documenting current financial responsibility.

D. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing a local government financial assurance as debtor, such guarantor shall notify the local government owner or operator *and the board* by certified mail of such commencement as required under the terms of the guarantee specified in 40 CFR 280.106 (1997) (as incorporated by reference in 9 VAC 25-590-250).

E. An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, group self-insurance pool ~~coverage policy~~ *plan*, surety bond, or letter of credit. The owner or operator shall obtain alternate financial assurance as specified in this regulation within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, he shall immediately notify the board in writing.

F. Within 30 days after receipt of written notification that the Virginia Petroleum Storage Tank Fund has become incapable of covering assured corrective action or third party compensation costs, the owner or operator shall obtain alternate financial assurance in accordance with 9 VAC 25-590-40.

9 VAC 25-590-200. Replenishment of guarantees, letters of credit or surety bonds.

A. If at any time after a standby trust is funded upon the instruction of the board with funds drawn from a guarantee; ~~letter of credit, or surety bond~~, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial mechanism from which the funds were drawn:

1. Replenish the value of financial assurance to equal the full amount of coverage required; or

2. Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

B. If at any time a letter of credit or surety bond is drawn upon by instruction of the board and the board has expended all or part of the funds for corrective action or to pay a third party

liability claim(s), the owner or operator by the anniversary date of the financial assurance mechanism shall acquire another financial assurance mechanism for the amount by which the face value of the letter of credit or surety bond has been reduced.

~~B-~~ C. For purposes of this section, the full amount of coverage required is the amount of coverage to be provided by 9 VAC 25-590-40. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

9 VAC 25-590-210. Virginia Petroleum Storage Tank Fund.

A. The Virginia Petroleum Storage Tank Fund will be used for costs in excess of the financial responsibility requirements specified under subsection B of this section up to \$1 million per occurrence for both taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases from petroleum underground storage tanks in accordance with the following:

1. Corrective action disbursements for accidental releases with no associated third party disbursements from the fund shall not exceed:

- a. \$995,000 for the \$5,000 corrective action requirement;
- b. \$990,000 for the \$10,000 corrective action requirement;
- c. \$980,000 for the \$20,000 corrective action requirement;
- d. \$970,000 for the \$30,000 corrective action requirement;
- e. \$950,000 for the \$50,000 corrective action requirement.

Third party disbursements for accidental releases with no corrective action disbursements from the fund shall not exceed:

- a. \$985,000 for the \$15,000 third party requirement;
- b. \$970,000 for the \$30,000 third party requirement;
- c. \$940,000 for the \$60,000 third party requirement;
- d. \$880,000 for the \$120,000 third party requirement;
- e. \$850,000 for the \$150,000 third party requirement.

Combined corrective action and third party disbursements from the fund shall not exceed:

- a. \$980,000 for the \$20,000 combined requirement;
- b. \$960,000 for the \$40,000 combined requirement;
- c. \$920,000 for the \$80,000 combined requirement;
- d. \$850,000 for the \$150,000 combined requirement;
- e. \$800,000 for the \$200,000 combined requirement.

The first priority for disbursements from the fund shall be for corrective action costs necessary to protect human health and the environment.

2. Compensation for bodily injury and property damage shall be paid to ~~third parties~~ only (i) in accordance with final court orders in cases which have been tried to final judgment no longer subject to appeal, (ii) in accordance with final arbitration awards not subject to appeal, or (iii) where the board approved the settlement of claim between the owner or operator and the third party prior to execution by the parties.

The Commonwealth has not waived its sovereign immunity and does not believe that it is a necessary party to a private action against an owner or operator for third party bodily injury and property damage.

3. Owner or operator managed cleanups. An owner or operator responding to a release and conducting a board approved corrective action plan in accordance with Parts V and VI (9 VAC 25-580-190 through 9 VAC 25-580-310) may proceed to pay for all costs incurred for such activities. An accounting submitted to the board of all costs incurred will be reviewed and those costs in excess of the financial responsibility requirements up to \$1 million which are reasonable and have been approved by the board will be reimbursed from the fund.

4. Owners or operators shall pay the financial responsibility requirement specified in this section for each occurrence.

5. No person shall receive reimbursement from the fund for any costs or damages incurred:

a. Where the person, his employee or agent, or anyone within the privity or knowledge of that person, has violated substantive environmental regulations under 9 VAC 25-580-40 ~~et seq.~~ or this chapter;

b. Where the release occurrence is caused, in whole or in part, by the willful misconduct or negligence of the person, his employee or agent, or anyone within the privity or knowledge of that person;

c. Where the person, his employee or agent, or anyone within the privity or knowledge of that person, has (i) failed to carry out the instructions of the board, committed willful misconduct or been negligent in carrying out or conducting actions under Part V or VI (9 VAC 25-580-190 through 9 VAC 25-580-310) or (ii) has violated applicable federal or state safety, construction or operating laws or regulations in carrying out or conducting actions under Parts V or VI (9 VAC 25-580-190 through 9 VAC 25-580-310);

d. Where the claim has been reimbursed or is reimbursable, by an insurance policy;

e. Where the costs or damages were incurred pursuant to Article 4.1 (§ 10.1-1429.1 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia and the regulations promulgated thereunder;

f. For corrective action taken prior to December 22, 1989, by an owner or operator of an underground storage tank, or an owner of an underground storage tank exempted in subdivisions 1 and 2 of the definition of an underground storage tank in 9 VAC 25-590-10, or an owner of an aboveground storage tank with a capacity of 5,000

Proposed Regulations

gallons or less used for storing heating oil for consumption on the premises where stored; or

g. Prior to January 1, 1992, by an operator of a facility for containment and cleanup of a release from a facility of a product subject to § 62.1-44.34:13 of the Code of Virginia.

6. No person shall receive reimbursement from the fund for third party bodily injury or property damage:

a. Where the release, occurrence, injury or property damage is caused, in whole or in part, by the willful misconduct or negligence of the owner or operator, his employee or agent, or anyone within his privity or knowledge;

b. Where the claim cost has been reimbursed or is reimbursable by an insurance policy;

c. Where the costs or damages were incurred pursuant to Article 4.1 (§ 10.1-1429.1 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia and the regulations promulgated thereunder;

d. Where the release was reported before December 22, 1989; or

e. Where the owner or operator does not demonstrate the reasonableness and necessity of the claim costs.

B. 1. The fund will be used to demonstrate financial responsibility requirements for owners or operators in excess of the amounts specified in this subdivision up to the per occurrence and annual aggregate requirements specified in 9 VAC 25-590-40 for both taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases from petroleum underground storage tanks.

a. Owners and operators with 600,000 gallons or less of petroleum pumped on an annual basis into all underground storage tanks owned or operated, \$5,000 per occurrence for taking corrective action and \$15,000 per occurrence for compensating third parties, with an annual aggregate of \$20,000.

b. Owners and operators with between 600,001 to 1,200,000 gallons of petroleum pumped on an annual basis into all underground storage tanks owned or operated, \$10,000 per occurrence for taking corrective action and \$30,000 per occurrence for compensating third parties, with an annual aggregate of \$40,000.

c. Owners and operators with between 1,200,001 to 1,800,000 gallons of petroleum pumped on an annual basis into all underground storage tanks owned or operated, \$20,000 per occurrence for taking corrective action and \$60,000 per occurrence for compensating third parties, with an annual aggregate of \$80,000.

d. Owners and operators with between 1,800,001 to 2,400,000 gallons of petroleum pumped on an annual basis into all underground storage tanks owned or operated, \$30,000 per occurrence for taking corrective action and \$120,000 per occurrence for compensating third parties, with an annual aggregate of \$150,000.

e. Owners and operators with in excess of 2,400,000 gallons of petroleum pumped on an annual basis into all underground storage tanks owned or operated, \$50,000 per occurrence for taking corrective action and \$150,000 per occurrence for compensating third parties, with an annual aggregate of \$200,000.

2. The fund may be used to satisfy only the portion of an owner or operator's financial responsibility requirement specified in subdivision 1 of this subsection and, therefore, shall be used in combination with one or more of the mechanisms specified in 9 VAC 25-590-60 through 9 VAC 25-590-110 and 9 VAC 25-590-250.

3. The requirements of 9 VAC 25-590-40 B apply solely to financial responsibility demonstration requirements under this section, and shall not affect reimbursements paid under this section.

C. This fund may also be used for the following:

1. Costs incurred by the board for taking immediate corrective action to contain or mitigate the effects of any release of petroleum into the environment from an underground storage tank if such action is necessary, in the judgment of the board to protect human health and the environment.

2. Costs incurred by the board for taking ~~both~~ corrective action ~~and compensating third parties~~ up to \$1 million for any release of petroleum into the environment from an underground storage tank:

a. Whose owner or operator cannot be determined by the board within 90 days; or

b. Whose owner or operator is incapable, in the judgment of the board, of carrying out such corrective action properly and paying for third party liability claims.

3. Costs incurred by the board for taking corrective action for any release of petroleum into the environment from tanks which are otherwise specifically listed in 9 VAC 25-590-10 as exemptions in the definition of an underground storage tank.

4. All other uses authorized by § 62.1-44.34:11 of the Code of Virginia.

D. The board shall seek recovery of fund moneys expended for corrective action in accordance with § 62.1-44.34:11 of the Code of Virginia where the owner or operator has violated substantive environmental regulations under 9 VAC 25-580-40 ~~et seq.~~ or this chapter.

E. The board shall have the right of subrogation for moneys expended from the fund as compensation for bodily injury, death, or property damage against any person who is liable for such injury, death or damage.

F. No funds shall be paid for reimbursement of costs incurred by an owner or operator for corrective action and for compensating third parties for bodily injury and property damage prior to December 22, 1989.

G. No disbursements shall be made from the fund for owners or operators who are federal government entities or whose

debts and liabilities are the debts and liabilities of the United States.

H. ~~The fund will be managed to provide for~~ *No funds shall be paid in excess of the minimum disbursement necessary to cleanup of each occurrence to an acceptable level of risk, as determined by the board in its sole discretion.*

9 VAC 25-590-260. Word or phrase substitutions.

In 9 VAC 25-590-240 and 9 VAC 25-590-250, the following substitutions apply:

1. All terms which are defined in 9 VAC 25-590-10 shall be given the definition contained in 9 VAC 25-590-10;
2. a. Director of the Department of Environmental Quality for director of the implementing agency;
- b. Department of Environmental Quality for the implementing agency;
- c. UST preventative and operating requirements under 9 VAC 25-580-40 ~~et seq.~~ for UST technical standards;
- d. 9 VAC 25-580-40 ~~et seq.~~ and 9 VAC 25-590-40 ~~et seq.~~ for 40 CFR Part 280 (1997);
- e. 9 VAC 25-580-230 through 9 VAC 25-580-300 for 40 CFR Part 280, Subpart F (1997);
- f. 9 VAC 25-590-40 ~~et seq.~~ for 40 CFR Part 280, Subpart H (1997);
- g. 9 VAC 25-580-50 for 40 CFR 280.20;
- h. 9 VAC 25-580-60 for 40 CFR 280.21;
- i. 9 VAC 25-580-70 for 40 CFR 280.22 (1997);
- j. 9 VAC 25-580-90 for 40 CFR 280.31;
- k. 9 VAC 25-580-200 through 9 VAC 25-580-300 for 40 CFR 280.51 through 280.67;
- l. 9 VAC 25-580-310 for 40 CFR 280.70;
- m. 9 VAC 25-580-320 through 9 VAC 25-580-350 for 40 CFR 280.71 through 280.74;
- n. 9 VAC 25-580-330 for 40 CFR 280.72;
- o. 9 VAC 25-590-20 through 9 VAC 25-590-160 for 40 CFR 280.90 through 280.111;
- p. 9 VAC 25-590-40 for 40 CFR 280.93;
- q. 9 VAC 25-590-170 for 40 CFR 280.112 (1997); and
- r. 9 VAC 25-590-190 for 40 CFR 280.114.

APPENDIX I. LETTER FROM CHIEF FINANCIAL OFFICER.

NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.

[NOTE: Owners or operators demonstrating financial responsibility using the financial test who do not also own or operate hazardous waste facilities or underground injection

wells are eligible to use Appendix XI (Letter from Chief Financial Officer - Short Form) instead of Appendix I.]

I am the chief financial officer of [insert name and address of the owner or operator or guarantor]. This letter is in support of the use of [insert "the financial test of self-insurance," and/or "Guarantee"] to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [insert dollar amount] *corrective action* per occurrence and [insert dollar amount] *third party liability per occurrence* and [insert dollar amount] annual aggregate arising from operating (an) underground storage tank(s).

Underground storage tanks at the following facilities are assured by this financial test by this [insert "owner or operator," and/or "guarantor"]: [List for each facility the name and address of the facility where tanks assured by this financial test are located, and whether tanks are assured by this financial test. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test by the tank identification number provided in the notification submitted pursuant to 9 VAC 25-580-70 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements)].

A [insert "financial test," and/or "guarantee"] is also used by this [insert "owner or operator" or "guarantor"] to demonstrate evidence of financial responsibility in the following amounts under other EPA regulations or state programs authorized by EPA under 40 CFR Parts 271 and 145 (1997):

EPA Regulation for each state of business operations (specify state):

	Amount
Closure (Sections 264.143 and 265.143)	\$ _____
Post Closure Care (Sections 264.145 and 265.145)....	\$ _____
Liability Coverage (Sections 264.147 and 265.147)	\$ _____
Corrective Action (Section 264.101(b))	\$ _____
Plugging and Abandonment (Section 144.63)	\$ _____
Other State Programs (specify state):	
Closure	\$ _____
Post-Closure Care	\$ _____
Liability Coverage	\$ _____
Corrective Action	\$ _____
Plugging and Abandonment	\$ _____
Virginia Hazardous Waste Management Regulations:	
Closure (9 VAC 20-60- 840-G 264 and 9 VAC 20-60- 590 265 C)	\$ _____
Post-Closure Care (9 VAC 20-60- 840-E 264 and 9 VAC 20-60- 590-E 265).....	\$ _____

Proposed Regulations

Liability Coverage (9 VAC 20-60-840-G 264 and 9 VAC 20-60-590-G 265).....\$ _____

Corrective Action (9 VAC 20-60-790-L 2 264) \$ _____

Plugging and Abandonment (40 CFR Section 144.63) (1997) .
..... \$ _____

TOTAL \$ _____

This [insert "owner or operator," or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on his financial statements for the latest completed fiscal year.

[Fill in the information for Alternative I if the criteria of 9 VAC 25-590-60 B are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative II if the criteria of 9 VAC 25-590-60 C are being used to demonstrate compliance with the financial test requirements.]

ALTERNATIVE I

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee.....\$ _____

2. Amount of annual aboveground storage tank (AST) aggregate coverage being assured by a financial test and/or guarantee pursuant to 9 VAC 25-640...\$ _____

3. Total UST/AST financial responsibility obligations assured by a financial test and/or guarantee (sum of lines 1 and 2).....\$ _____

4. Amount of corrective action, closure and post-closure care costs, liability coverage, [and] plugging and abandonment costs covered by a financial test, and/or guarantee under other EPA regulations or state programs authorized by EPA under 40 CFR Part 145 or 271 (1997).....\$ _____

5. Sum of lines 4 and 3 and 4.....\$ _____

6. Total tangible assets.....\$ _____

7. Total liabilities [if any of the amount reported on line 3 5 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6 8].....\$ _____

8. Tangible net worth [subtract line 5 7 from line 4 6].....\$ _____

9. Is line 6 8 at least equal to line 4 3 above? Yes.... No....

10. Is line 6 8 at least equal to the sum of line 4 3 plus 10 times line 2 4? Yes.... No....

11. Have financial statements for the latest financial reporting year been filed with the Securities and Exchange Commission? Yes.... No....

12. Have financial statements for the latest financial reporting year been filed with the Energy Information Administration? Yes.... No....

13. Have financial statements for the latest financial reporting year been filed with the Rural Electrification Administration Utilities Service? Yes.... No....

14. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating at least equal to the total amount of annual UST aggregate coverage being assured as entered on line 5, according to the table below?

Annual Aggregate Requirement	Dun and Bradstreet Rating
\$20,000	EE (\$20,000 to \$34,999)
\$40,000	DC (\$50,000 to \$74,999)
\$80,000	CB (\$125,000 to \$199,999)
\$150,000	BB (\$200,000 to \$299,999)
\$200,000	BB (\$200,000 to \$299,999)
\$300,000	BA (\$300,000 to \$499,999)
\$500,000	1A (\$500,000 to \$749,999)
\$750,000	2A (\$750,000 to \$999,999)
\$1,000,000	3A (\$1,000,000 to 9,999,999)

[Answer "Yes" only if both criteria have been met.]
Yes.... No....

15. If you did not answer yes to one of lines 9 11 through 14, please attach a report from a an independent-certified public accountant certifying that there are no material differences between the data reported in lines 4-6 through 8 10 above and the financial statements for the latest financial reporting year.

ALTERNATIVE II

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee.

2. Amount of annual aboveground storage tank (AST) aggregate coverage being assured by a financial test and/or guarantee pursuant to 9 VAC 25-640.....\$ _____

3. Total UST/AST financial responsibility obligations assured by a financial test and/or guarantee (sum of lines 1 and 2).....\$ _____

4. Amount of corrective action closure and post-closure care costs, liability coverage, [and] plugging and abandonment costs covered by a financial test, and/or guarantee under other EPA regulations or state programs authorized by EPA under 40 CFR Parts 271 or 145.....\$ _____

5. Sum of lines 4 3 and 2 4.....\$ _____

6. Total tangible assets.....\$ _____

7. Total liabilities [if any of the amount reported on line 3 5 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6 8].....\$ _____

8. Tangible net worth [subtract line 5 7 from line 4 6].....\$ _____

9. Total assets in the U.S. [required only if less than 90% of assets are located in the U.S.].....\$ _____

10. Is line 6 8 at least equal to line 4 3 above? Yes___ No___

11. Is line 6 8 at least equal to the sum of line 4 3 plus 6 times the sum of line 2 4? Yes___ No___

40- 12. Are at least 90% of assets located in the U.S.? [If "No," complete line 44 13.] Yes___ No___

44- 13. Is line 7 9 at least equal to the sum of line 4 3 plus 6 times the sum of line 2 4? Yes___ No___

[Fill in either lines 42-45 14-17 or lines 46-48 18-20:]

42- 14. Current assets.....\$___

43- 15. Current liabilities.....\$___

44- 16. Net working capital subtract line 43 15 from line 42 14.....\$___

45- 17. Is line 44 16 at least equal to the sum of line 4 3 plus 6 times the sum of line 2 4? Yes___ No___

46- 18. Current bond rating of most recent bond issue? -----

47- 19. Name of rating service -----

48- 20. Date of maturity of bond -----

49- 21. Have financial statements for the latest financial reporting year been filed with the SEC, the Energy Information Administration, or the Rural Electrification Administration Utilities Service? Yes___ No___

[If "no," please attach a report from an independent certified public accountant certifying that there are no material differences between the data reported in lines 4-18 6-20 above and the financial statements for the latest financial reporting year.]

[For Alternatives I and II complete the certification with this statement.]

I hereby certify that the wording of this letter is identical to the wording specified in Appendix I of this chapter as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

APPENDIX II. GUARANTEE.

[NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Guarantee made this [date] by [name of guaranteeing entity], a business entity organized under the laws of the state of [insert name of state], herein referred to as guarantor, to the State Water Control Board of the Commonwealth of Virginia and to any and all third parties, and obligees, on behalf of [owner or operator] of [business address].

Recitals.

(1) Guarantor meets or exceeds the financial test criteria of 9 VAC 25-590-60 B or C and D of Virginia Petroleum Underground Storage Tank Financial Responsibility Requirements, 9 VAC 25-590-10 et seq., and agrees to

comply with the requirements for guarantors as specified in 9 VAC 25-590-70 B.

(2) [Owner or operator] owns or operates the following underground storage tank(s) covered by this guarantee: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 9 VAC 25-580-70 (Underground Storage Tanks: Technical Standards and Corrective Action Requirements), and the name and address of the facility]. This guarantee satisfies this chapter's requirements for assuring funding for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases" [if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified underground storage tank(s) in the amount of [insert dollar amount] corrective action per occurrence, [insert dollar amount] third party liability per occurrence, and [insert dollar amount] annual aggregate.

(3) [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is corporate parent of the owner or operator); "On behalf of our affiliate" (if guarantor is a related firm of the owner or operator); or "Incident to our business relationship with" (if guarantor is providing the guarantee as an incident to a substantial business relationship with owner or operator)] [owner or operator], guarantor guarantees to the State Water Control Board and to any and all third parties that:

In the event that [owner or operator] fails to provide alternate coverage within 60 days after receipt of a notice of cancellation of this guarantee and the State Water Control Board has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon instructions from the State Water Control Board, shall fund a standby trust fund in accordance with the provisions of 9 VAC 25-590-170, in an amount not to exceed the coverage limits specified above.

In the event that the State Water Control Board determines that [owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 9 VAC 25-580-230 through 9 VAC 25-580-300 (Underground Storage Tanks: Technical Standards and Corrective Action Requirements), the guarantor upon written instructions from the State Water Control Board shall fund a standby trust in accordance with the provisions of 9 VAC 25-590-170, in an amount not to exceed the coverage limits specified above.

If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" and/or "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor,

Proposed Regulations

upon written instructions from the State Water Control Board, shall fund a standby trust in accordance with the provisions of 9 VAC 25-590-170 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

(4) Guarantor agrees that if, at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet the financial test criteria of 9 VAC 25-590-60 B or C and D, guarantor shall send within 120 days of such failure, by certified mail, notice to [owner or operator] *and the State Water Control Board*. The guarantee will terminate 120 days from the date of receipt of the notice by [owner or operator] *and the State Water Control Board*, as evidenced by the return ~~receipt~~ receipts.

(5) Guarantor agrees to notify [owner or operator] *and the State Water Control Board* by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to 9 VAC 25-580-40 ~~et seq.~~ and 9 VAC 25-590-40 ~~et seq.~~

(7) Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] shall comply with the applicable financial responsibility requirements of 9 VAC 25-590-40 ~~et seq.~~ for the above-identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator] *and the State Water Control Board*, such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator] *and the State Water Control Board*, as evidenced by the return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [insert owner or operator] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily damage or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-590-40.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the State Water Control Board, by any or all third parties, or by [owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in Appendix II of 9 VAC 25-590-40 ~~et seq.~~ as such regulations were constituted on the effective date shown immediately below.

Effective date:

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]

Signature of witness or notary:

APPENDIX III. ENDORSEMENT.

[NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Name: [name of each covered location]

Address: [address of each covered location]

Policy number:

Period of coverage: [current policy period]

Name of [Insurer or group self insurance pool]:

Address of [Insurer or group self insurance pool]:

Name of insured:

Address of insured:

Endorsement:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks in connection with the insured's obligation to demonstrate financial responsibility under the Virginia Petroleum Underground Storage Tank Financial Requirements Regulation (9 VAC 25-590-40 ~~et seq.~~).

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 9 VAC 25-580-70 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), and the name and address of the facility.]

for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases";] in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; [if coverage is different for different tanks or locations, indicate

the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the corrective action "each occurrence" and third party "each occurrence" and "annual aggregate" limits of the insurer's or group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through (d) for occurrence policies and (a) through (e) for claims-made policies of this paragraph 2 are hereby amended to conform with subsections (a) through (e):

a. Bankruptcy or insolvency of the insured shall not relieve the ["insurer" or "pool"] of its obligations under the policy to which this endorsement is attached.

b. The ["insurer" or "pool"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["insurer" or "pool"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 9 VAC 25-590-60 through 9 VAC 25-590-110.

c. Whenever requested by the State Water Control Board, the ["insurer" or "pool"] agrees to furnish to State Water Control Board a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["insurer" or "pool"], except for nonpayment of premium or misrepresentation by the insured, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured and the State Water Control Board. Cancellation for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 15 days after a copy of such written notice is received by the insured and the State Water Control Board.

[Insert for claims-made policies:]

e. The insurance covers claims otherwise covered by the policy that are reported to the ["insurer" or "pool"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable,

and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

I hereby certify that the wording of this endorsement is in no respect less favorable than the coverage specified in APPENDIX III of 9 VAC 25-590-40 et seq. and has been so certified by the State Corporation Commission of the Commonwealth of Virginia. I further certify that the ["insurer" or "pool"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in the Commonwealth of Virginia"].

[Signature of authorized representative of insurer or group self-insurance pool]

[Name of person signing]

[Title of person signing], authorized representative of [name of insurer or group self-insurance pool]

[Address of representative]

APPENDIX IV. CERTIFICATE OF INSURANCE.

[NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Name: [name of each covered location]

Address: [address of each covered location]

Policy number:

Endorsement (if applicable):

Period of coverage: [current policy period]

Name of [insurer or group self-insurance pool]:

Address of [insurer or group self-insurance pool]:

Name of insured:

Address of insured:

Certification:

1. [Name of insurer or group self-insurance pool], [The "insurer" or "pool"], as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s) in connection with the insured's obligation to demonstrate financial responsibility under the Virginia Petroleum Underground Storage Tank Financial Requirements Regulation (9 VAC 25-590-40 et seq.).

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 9 VAC 25-590-70 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), and the name and address of the facility.]

Proposed Regulations

for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage] caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; [if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the corrective action "each occurrence" and third party "each occurrence" and "annual aggregate" limits of the insurer's or groups liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The ["insurer" or "pool"] further certifies the following with respect to the insurance described in paragraph 1:

a. Bankruptcy or insolvency of the insured shall not relieve the ["insurer" or "pool"] of its obligations under the policy to which this certificate applies.

b. The ["insurer" or "pool"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third party, with a right of reimbursement by the insured for any such payment made by the ["insurer" or "pool"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 9 VAC 25-590-60 through 9 VAC 25-590-110.

c. Whenever requested by the State Water Control Board, the ["insurer" or "pool"] agrees to furnish to the State Water Control Board a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["insurer" or "pool"], except for nonpayment of premium or misrepresentation by the insured, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured *and the State Water Control Board*. Cancellation for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 15 days after a copy of such written notice is received by the insured *and the State Water Control Board*.

[Insert for claims-made policies]

e. The insurance covers claims otherwise covered by the policy that are reported to the ["insurer" or "pool"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and

which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

I hereby certify that the wording of this instrument is identical to the wording in APPENDIX IV of 9 VAC 25-590-10 ~~et seq.~~ and that the ["insurer" or "pool"] is [licensed to transact the business of insurance, or eligible to provide insurance as an excess or approved surplus lines insurer, in the Commonwealth of Virginia].

[Signature of authorized representative of insurer]

[Type name] [Title], authorized representative of [name of insurer or group self insurance pool]

[Address of representative]

APPENDIX V. PAYMENT AND PERFORMANCE BOND.

[NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Date bond executed:

Period of coverage:

Principal: [legal name and business address of owner or operator.]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation (if applicable):

Surety(ies): [name(s) and business address(es)]

Scope of coverage: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 9 VAC 25-580-70 (Underground Storage Tanks: Technical Standards and Corrective Action Requirements), and the name and address of the facility. List the coverage guaranteed by the bond: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases" "arising from operating the underground storage tank"].

Penal sums of bond:

Corrective Action (per occurrence) \$.....

Third Party Liability (per occurrence) \$.....

Annual aggregate \$.....

Surety's bond number:

Know all Persons by These Presents, that we, the principal and Surety(ies), hereto are firmly bound to the State Water

Control Board of the Commonwealth of Virginia, in the above penal sums for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sums jointly and severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each surety binds itself, jointly and severally with the Principal, for the payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sums.

Whereas said Principal is required under § 62.1-44.34:8 through § 62.1-44.34:12 of the Code of Virginia, Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, and under the Virginia Petroleum Underground Storage Tank Financial Requirements Regulation (9 VAC 25-590-40 ~~et seq.~~), to provide financial assurance for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases";] [if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tanks identified above, ~~and ;~~

~~Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;~~

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully ["take corrective action, in accordance with Part VI of 9 VAC 25-580-230 through 9 VAC 25-580-300. (Underground Storage Tanks: Technical Standards and Corrective Action Requirements) and the State Water Control Board's instructions for," and/or "compensate injured third parties for bodily injury and property damage caused by" either "sudden" and/or "nonsudden" or "sudden and nonsudden"] accidental releases arising from operating the tank(s) identified above, or if the Principal shall provide alternate financial assurance, as specified in 9 VAC 25-590-40 ~~et seq.~~, within 120 days after the date the notice of cancellation is received by the Principal from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

Such obligation does not apply to any of the following:

- (a) Any obligation of [insert owner or operator] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-590-40.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the State Water Control Board that the Principal has failed to ["take corrective action, in accordance with Part VI of 9 VAC 25-580-230 through 25-580-300 and the State Water Control Board's instructions," and/or "compensate injured third parties"] as guaranteed by this bond, the Surety(ies) shall either perform ["corrective action in, accordance with 9 VAC 25-580-40 ~~et seq.~~ and the board's instructions," and/or "third party liability compensation"] or ~~place pay the funds in an amount up to the annual aggregate penal sum into the standby trust fund to the State Water Control Board as directed by the State Water Control Board under 9 VAC 25-590-170. The State Water Control Board in its sole discretion may elect to require the surety to pay the funds or to take corrective action and compensate third parties or any combination up to the annual aggregate penal sum.~~

Upon notification by the State Water Control Board that the Principal has failed to provide alternate financial assurance within 60 days after the date the notice of cancellation is received by the Principal from the Surety(ies) and that the State Water Control Board has determined or suspects that a release has occurred, the Surety(ies) shall ~~place pay the funds in an amount not exceeding the annual aggregate penal sum into the standby trust fund to the State Water Control Board as directed by the State Water Control Board under 9 VAC 25-590-170.~~

The Surety(ies) submit to the jurisdiction of the Circuit Court of the City of Richmond to adjudicate any claim against it(them) by the State Water Control Board and waive any objection to venue in that court. Interest shall accrue at the judgment rate of interest on the amount due beginning seven days after the date of notification by the State Water Control Board. In the event the State Water Control Board shall institute legal action to compel performance by the Surety under this agreement, the Surety shall be liable for all costs and legal fees incurred by the board to enforce this agreement.

The Surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond. *The Surety(ies) hereby agree(s) that it(they) has been notified of all material facts regarding this contract of suretyship and waive(s) any defense founded in concealment of material facts. The Surety(ies) represents that the person executing this agreement has full authority to execute the agreement. Surety(ies) hereby waive(s) any right to notice of breach or default of the Principal. The State Water Control Board may enforce this agreement against the Surety(ies) without bringing suit against the principal. The State Water Control Board shall not be required to exhaust the assets of the Principal before demanding performance or funding of the trust fund by the Surety. No lawful act of the State Water Control Board, including without limitation any*

Proposed Regulations

extension of time to the Principal, shall serve to release any surety, whether or not that act may be construed to alter or vary this agreement. Release of one co-surety shall not act as the release of another. This agreement shall be construed to effect its purpose to provide remedial action for petroleum releases and to provide compensation for third parties injured by such releases.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the principal *and the State Water Control Board*, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the principal *and the State Water Control Board*, as evidenced by the return receipt receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies).

In Witness Whereof, the Principal and Surety(ies) have executed this Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Appendix V of 9 VAC 25-590-40 ~~et seq.~~ as such regulations were constituted on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate seal]

CORPORATE SURETY(IES)

[Name and address]

State of Incorporation:

Liability limit.....\$...

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for surety above.]

Bond premium:.....\$...

APPENDIX VI. IRREVOCABLE STANDBY LETTER OF CREDIT.

[NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

[Name and address of issuing institution]

[Name and address of the Executive Director of the State Water Control Board of the Commonwealth of Virginia and Director(s) of other state implementing agency(ies)]

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No.... in your favor, at the request and for the account of [owner or operator name] of [address] up to the aggregate amount of in words U.S. dollars (\$[insert dollar amount]), available upon presentation [insert, if more than one director of a state implementing agency is a beneficiary, "by any one of you"] of

(1) your sight draft, bearing reference to this letter of credit, No... and

(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of §§ 62.1-44.34:8 through 62.1-44.34:12 of the Code of Virginia and Subtitle 1 of the Resource Conservation and Recovery Act of 1976, as amended."

This letter of credit may be drawn on to cover [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"] arising from operating the underground storage tank(s) identified below in the amount of in words \$[insert dollar amount] *corrective action* per occurrence, [in words] \$[insert dollar amount] *third party liability per occurrence*, and [in words] \$[insert dollar] amount] annual aggregate:

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 9 VAC 25-580-70 (Underground Storage Tanks: Technical Standards and Corrective Action Requirements), and the name and address of the facility.]

The letter of credit may not be drawn on to cover any of the following:

(a) Any obligation, of [insert owner or operator] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert

owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-590-40 (Virginia Petroleum Underground Storage Tank Financial Responsibility Requirements).

This letter of credit is effective as of [date] and shall expire on [date], but such expiration date shall be automatically extended for a period of [at least the length of the original term] on [expiration date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify [owner or operator] and the State Water Control Board by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event that [owner or operator] is and the State Water Control Board are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by [owner or operator] and the State Water Control Board, as shown on the signed return receipt receipts.

Partial draws are permitted under this Irrevocable Standby Letter of Credit.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall ~~deposit the amount of the draft directly into the standby trust fund of [owner or operator]~~ pay to you the amount of the draft promptly and directly in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Appendix VI of 9 VAC 25-590-40 ~~et seq.~~ as such regulations were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution]

[Date]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

APPENDIX VII. TRUST AGREEMENT.

[NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Trust agreement, the "Agreement," entered into as of [date] by and between [name of the owner or operator], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "Incorporated in the state of..... " or "a national bank"], the "Trustee."

Whereas, the State Water Control Board of the Commonwealth of Virginia has established certain regulations applicable to the Grantor, requiring that an owner or operator

of an underground storage tank shall provide assurance that funds will be available when needed for corrective action and third party compensation for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of the underground storage tank. The attached Schedule A lists the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located that are covered by the [insert: "standby trust agreement" or "trust agreement"].

Whereas, the Grantor has elected to establish ~~insert either "a guarantee," "surety bond," or "letter of credit"~~ to provide all or part of such financial assurance for the underground storage tanks identified herein and is required to establish a standby trust fund able to accept payments from the instrument (This paragraph is only applicable to the standby trust agreement.);

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee;

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) "9 VAC 25-590-40 ~~et seq.~~" is the Petroleum Underground Storage Tank Financial Requirements Regulation promulgated by the State Water Control Board for the Commonwealth of Virginia.

Section 2. Identification of the Financial Assurance Mechanism.

This Agreement pertains to the ~~identify the financial assurance mechanism, either a guarantee, surety bond, or letter of credit,~~ from which the standby trust fund is established to receive payments (This paragraph is only applicable to the standby trust agreement.).

Section 3. Establishment of Fund.

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the State Water Control Board of the Commonwealth of Virginia. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. [The Fund is established initially as a standby to receive payments and shall not consist of any property]. Payments made by the provider of financial assurance pursuant to the State Water Control Board's instruction are transferred to the Trustee and are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor as provider of financial assurance, any payments necessary to discharge any liability of the Grantor established by the State Water Control Board.

Proposed Regulations

Section 4. Payment for ["Corrective Action" and/or "Third Party Liability Claims"].

The Trustee shall make payments from the Fund as the State Water Control Board shall direct, in writing, to provide for the payment of the costs of [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage] caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases" arising from operating the tanks covered by the financial assurance mechanism identified in this Agreement.

The Fund may not be drawn upon to cover any of the following:

- (a) Any obligation of [insert owner or operator] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;
- (e) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-590-40.

The Trustee shall reimburse the Grantor, or other persons as specified by the State Water Control Board, from the Fund for corrective action expenditures and/or third party liability claims in such amounts as the State Water Control Board shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the State Water Control Board specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined here.

Section 5. Payments Comprising the Fund.

Payments made to the Trustee for the Fund shall consist of cash and securities acceptable to the Trustee.

Section 6. Trustee Management.

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such

matters, would use in the conduct of an enterprise of a like character and with like aims, except that:

- (i) Securities or other obligations of the Grantor, or any other owner or operator of the tanks, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 USC § 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government;
- (ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and
- (iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment.

The Trustee is expressly authorized in its discretion:

- (a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- (b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 USC § 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee.

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

- (a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;
- (b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;
- (c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and

records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses.

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Advice of Counsel.

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 11. Trustee Compensation.

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 12. Successor Trustee.

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the Grantor and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 13. Instructions to the Trustee.

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Schedule B or such other designees as the Grantor may designate by amendment to

Schedule B. The trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests and instructions by the State Water Control Board to the Trustee shall be in writing, signed by the Executive Director of the State Water Control Board, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the State Water Control Board hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the State Water Control Board, except as provided for herein.

Section 14. Amendment of Agreement.

This Agreement may be amended by an instrument in writing executed by the Grantor and the Trustee, or by the Trustee and the State Water Control Board if the Grantor ceases to exist.

Section 15. Irrevocability and Termination.

Subject to the right of the parties to amend this Agreement as provided in Section 14, this Trust shall be irrevocable and shall continue until terminated at the written direction of the Grantor and the Trustee, or by the Trustee and the State Water Control Board, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 16. Immunity and Indemnification.

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the State Water Control Board issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 17. Choice of Law.

This Agreement shall be administered, construed, and enforced according to the laws of the Commonwealth of Virginia, or the Comptroller of the Currency in the case of National Association banks.

Section 18. Interpretation.

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals (if applicable) to be hereunto affixed and attested as of the date first above written. The parties below

Proposed Regulations

certify that the wording of this Agreement is identical to the wording specified in Appendix VII of 9 VAC 25-590-40 ~~et seq.~~ as such regulations were constituted on the date written above.

[Signature of Grantor]

[Name of the Grantor]

[Title]

Attest:

[Signature of Trustee]

[Name of the Trustee]

[Title]

[Seal]

[Signature of Witness]

[Name of Witness]

[Title]

[Seal]

APPENDIX IX. CERTIFICATION OF FINANCIAL RESPONSIBILITY.

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

[Owner or operator] hereby certifies that it is in compliance with the requirements of 9 VAC 25-590-40 ~~et seq.~~ (Petroleum Underground Storage Tank Financial Requirements Regulation).

The financial assurance mechanism[s] used to demonstrate financial responsibility under 9 VAC 25-590-40 ~~et seq.~~ is [are] as follows:

Indicate type of Mechanism (Note: the Fund may not be used as the sole mechanism):

Virginia Petroleum Storage Tank Fund ("the Fund")

Letter from Chief Financial Officer

Guarantee

Insurance Endorsement or Certificate

Letter of Credit

Surety Bond

Trust Fund

Name of Issuer (for mechanism other than the Fund):

Mechanism Number (if applicable): _____

Demonstration amount of coverage for mechanism other than the Fund:

\$ _____ corrective action per occurrence

\$ _____ third party liability per occurrence

\$ _____ annual aggregate

~~Amount of coverage under Virginia Petroleum Storage Tank Fund:~~

~~\$ _____ per occurrence and \$ _____ annual aggregate~~ *The Virginia Petroleum Storage Tank Fund demonstrates amounts for corrective action per occurrence, third party liability per occurrence, and annual aggregate, in excess of the amounts demonstrated by the "mechanism other than the Fund" up to one million dollars. In the event that the owner/operator owns/operates in excess of 100 USTs in the Commonwealth of Virginia, the Fund demonstrates up to an annual aggregate of two million dollars.*

Mechanisms' effective period of coverage: _____ to _____

(If you are using either the Financial Test or the Guarantee, please indicate the current financial reporting year, e.g., 1/01/02 - 12/31/02, if you use the calendar year as your financial reporting year, or other dates if you operate under a different fiscal year. If you are using a Letter of Credit, a Surety Bond, or an Insurance Policy, please indicate the annually renewable term of the applicable mechanism.)

Do(es) mechanism(s) cover(s): taking corrective action and/or compensating third parties for bodily injury and property damage caused by either sudden accidental releases or nonsudden accidental releases or accidental releases? Yes No

If "No," specify in the following space the items the mechanism covers:

[Signature of owner or operator]

[Name of owner or operator] [Title] [Date]

[Signature of notary]

[Name of notary] [Date] My Commission expires:

APPENDIX XI. LETTER FROM CHIEF FINANCIAL OFFICER (SHORT FORM).

[Note: This Appendix may only be used by owners or operators who do not own or operate hazardous waste facilities, or underground injection control wells.]

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

I am the chief financial officer of [insert: name and address of the owner or operator or guarantor]. This letter is in support of the use of [insert "the financial test of self-insurance," and/or "Guarantee"] to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least \$[insert dollar amount] *corrective action* per occurrence, \$[insert dollar amount] *third party liability per occurrence*, and \$[insert dollar amount] annual aggregate arising from operating (an) underground storage tank(s).

Underground storage tanks at the following facilities are assured by this financial test by this [insert: "owner or operator," and/or "guarantor"]: [List for each facility the name and address of the facility where tanks assured by this financial test are located, and whether tanks are assured by this financial test. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test by the tank identification number provided in the notification submitted pursuant to 9 VAC 25-580-70 (Underground Storage Tanks: Technical Standards and Corrective Action Requirements)].

Annual Aggregate Requirement
 \$20,000
 \$40,000
 \$80,000
 \$150,000
 \$200,000
 \$300,000
 \$500,000
 \$750,000
 \$1,000,000

Dun and Bradstreet Rating
 EE (\$20,000 to \$34,999)
 DC (\$50,000 to \$74,999)
 CB (\$125,000 to \$199,999)
 BB (\$200,000 to \$299,999)
 BB (\$200,000 to \$299,999)
 BA (\$300,000 to \$499,999)
 1A (\$500,000 to \$749,999)
 2A (\$750,000 to \$999,999)
 3A (\$1,000,000 to \$9,999,999)

I am not required to demonstrate evidence of financial responsibility for any other EPA regulation or state programs authorized by EPA.

[Answer "Yes" only if BOTH criteria have been met.]
 Yes... No...

This [insert: "owner or operator," or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on the financial statements for the latest completed financial reporting year.

40- 12. If you did not answer yes to one of lines 6 8 through 9 11, please attach a report from a certified public accountant certifying that there are no material differences between the data reported in lines 2 4 through 5 7 above and the financial statements for the latest financial reporting year.

[Fill in the information below to demonstrate compliance with the financial test requirements.]

I hereby certify that the wording of this letter is identical to the wording specified in Appendix XI of this chapter as such regulations were constituted on the date shown immediately below.

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee..... \$---

[Signature]

2. Amount of annual aboveground storage tank (AST) aggregate coverage being assured by a financial test and/or guarantee.....\$ _____

[Name]

3. Total UST/AST financial responsibility obligations assured by a financial test and/or guarantee (sum of lines 1 and 2).....\$ _____

[Title]

[Date]

2- 4. Total tangible assets.....\$---

APPENDIX XII. CERTIFICATE OF GROUP SELF-INSURANCE.

3- 5. Total liabilities [if any of the amount reported on line 4 3 is included in total liabilities, you may deduct that amount from this line or add that amount to line 4 6].....\$---

[NOTE: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

4- 6. Tangible net worth [subtract line 3 5 from line 2 4].....\$---

Name: [name of each covered location]

Address: [address of each covered location]

5- 7. Is line 4 at least equal to line 4 3 above? Yes... No...

Policy number:

6- 8. Have financial statements for the latest financial reporting year been filed with the Securities and Exchange Commission? Yes... No...

Endorsement (if applicable):

7- 9. Have financial statements for the latest financial reporting year been filed with the Energy Information Administration? Yes... No...

Period of coverage: [current policy period]

Name of Group self-insurance pool:

8- 10. Have financial statements for the latest financial reporting year been filed with the Rural Electrification Administration Utilities Service? Yes... No...

Address of Group self-insurance pool:

Name of Member:

Address of Member:

9- 11. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating at least equal to the amount of annual UST aggregate coverage being assured according to the table below?

Certification:

1. [Name of Group Self-Insurance Pool], the group self-insurance pool, "Pool," as identified above, hereby certifies that it has entered into a Membership Agreement (Agreement) with the member to provide liability coverage for the following underground storage tank(s) in connection with the insured's obligation to demonstrate financial responsibility under the Virginia Petroleum Underground

Proposed Regulations

Storage Tank Financial Requirements Regulation (9 VAC 25-590) for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by either sudden accidental releases or nonsudden accidental releases; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the Pool Plan (Plan) and Agreement; [if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability of the Pool are [insert the dollar amount] corrective action per occurrence and [insert dollar amount] third party liability per occurrence and [insert dollar amount] annual aggregate [If the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs, which are subject to a separate limit under the Plan or Agreement. This coverage is provided under the Plan dated [insert date] and the Agreement entered into between [name of member] and [name of Pool]. The effective date of said Agreement is [date].

2. The Pool further certifies the following with respect to the coverage described in paragraph 1:

a. Bankruptcy or insolvency of the member shall not relieve the Pool of its obligations under the policy to which this certificate applies.

b. The Pool is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third party, with a right of reimbursement by the member for any such payment made by the Pool. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 9 VAC 25-590-60 through 9 VAC 25-590-110.

c. Whenever requested by the State Water Control Board, the Pool agrees to furnish to the State Water Control Board a signed duplicate original of the Agreement and Plan and all endorsements.

d. Cancellation or any other termination of the coverage by the Pool, except for nonpayment of premium or misrepresentation by the member, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the member and the State Water Control Board. Cancellation for nonpayment of premium or misrepresentation by the member will be effective only upon written notice and only after expiration of a minimum of 15 days after a copy of such written notice is received by the member and the State Water Control Board.

e. The Pool covers claims otherwise covered by the Agreement and Plan that are reported to the Pool within six months of the effective date of cancellation or nonrenewal of the Agreement except where the new or renewed Agreement has the same retroactive date or a

retroactive date earlier than that of the prior Agreement and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such Agreement renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the Agreement and Plan.

I hereby certify that the wording of this instrument is identical to the wording in APPENDIX XII of 9 VAC 25-590 and that the Pool is licensed by the Commonwealth of Virginia's State Corporation Commission pursuant to 14 VAC 5-380.

[Signature of Administrator of Pool]

[Type name], Administrator of [name of Pool]

[Address of representative]

NOTICE: The forms used in administering 9 VAC 25-590, Petroleum Underground Storage Tank Financial Responsibility Requirements, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

~~Virginia Department of Environmental Quality Corporate Ability to Pay Application (7/98 rev. 7/02).~~

Individual Ability to Pay Claim (~~7/98~~ rev. 7/02).

Partnership Ability to Pay Application (~~7/98~~ rev. 7/02).

Insurance Certification (~~7/98~~ rev. 7/02).

Ability to Pay Application Instructions (~~5/98~~ rev. 7/02).

Ability to Pay Bankruptcy Affidavit (*Tank Program*) (~~7/98~~ rev. 7/02).

Notice of Intent to Seek Reconsideration (~~4/4/98~~ rev. 8/02).

Reconsideration Claim Form (~~4/4/98~~ rev. 8/02).

Form 1-Virginia Petroleum Storage Tank Fund Reimbursement Application (1/1/98).

Form 2-Virginia Petroleum Storage Tank Fund Payment Assignment Form and Substitute IRS Form W-9 (~~4/4/98~~ rev. 2/99).

Form 3-Virginia Petroleum Storage Tank Fund Multiple Owners Payment Assignment Form (1/1/98).

AAF Cost Worksheet (1/1/98).

Bid Cost Worksheet (~~4/4/97~~ rev. 1/98).

Activity Authorization Form for 198 UCRs (~~4/4/98~~ rev. 11/02).

Activity Authorization Form for 395 UCRs (~~4/4/98~~ rev. 1/00).

Activity Authorization Form for 1289 UCRs (~~4/4/98~~ rev. 1/00).

Bid Summary Form (1/1/98).

Bid Comparison Form (1/1/98).

Bid Work Progress Form (1/1/98).

Site Information Form (7/98).

Certification of AST Facility Storage Capacity for Access to the Virginia Petroleum Storage Tank Fund (7/98).

Certification of Annual Gallonage (7/98).

Estate Ability to Pay Application (7/98).

Virginia Petroleum Storage Tank Fund Substitute IRS Form W-9 (Rev. 2/99).

Reconsideration Claim Form Worksheet (Rev. 8/02).

VA.R. Doc. No. R02-309; Filed February 18, 2004, 8:48 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

REGISTRAR'S NOTICE: The following regulation filed by the Department of Conservation and Recreation is exempt 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 5-36-50, 4 VAC 5-36-60, 4 VAC 5-36-70, 4 VAC 5-36-110 through 4 VAC 5-36-140, and 4 VAC 5-36-170 through 4 VAC 5-36-210).

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: April 7, 2004.

Summary:

The amendments adjust state park fees charged by the Department of Conservation and Recreation. Fee increases reflect private concessionaires new seasonal prices, changes to maintain fair market value, and updates to ensure consistency with the private sector.

Agency Contact: Leon E. App, Acting 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.

4 VAC 5-36-20. Applicability.

A. This chapter applies to all state parks, natural areas, facilities, programs, and services operated by the Department of Conservation and Recreation.

B. This chapter establishes all fees and prices by setting standard fees for facilities, programs, and services or otherwise establishing guidelines for setting fees for nonstandardized facilities, programs, and services. ~~All revenues from fees and prices thus established and generated by Division of State Parks will be deposited in the Conservation Resources Fund and those generated by Division of Natural Heritage will be deposited in the Natural Area Preservation Fund.~~

4 VAC 5-36-50. Parking and launch fees.

PARKING FEES (NONTAXABLE)

	WEEKDAYS	WEEKENDS
Main Season Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), motorcycles.		
All parks unless listed below.	\$2.00	\$3.00
Parks under construction and having only limited facilities and services.	\$2.00	\$2.00
First Landing, Fairy Stone, Raymond R. "Andy" Guest Jr. Shenandoah River, Smith Mountain Lake, Claytor Lake, Lake Anna, Leesylvania, Pocahontas, Kiptopeke, Westmoreland, Mason Neck, Sky Meadows	\$3.00	\$4.00
Other Trailer Parking Fee: Applies to horse trailers and other trailers not covered by camping and boat launch fee. (Add to daily parking fee.)	\$2.00 per trailer	\$2.00 per trailer
Off Season Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), motorcycles at all parks.	\$2.00	\$2.00
Daily Bus Parking: All Seasons. Applies to vehicles with 16 or more passenger capacity.		
All parks unless listed below.	\$10	\$10
Claytor Lake, Hungry Mother, Leesylvania, Mason Neck, New River Trail	\$12	\$12
First Landing, Kiptopeke, Lake Anna, Pocahontas, Westmoreland	\$15	\$15
Natural Area Preserve Parking Fees for any Vehicle: The department may charge these fees at any Natural	\$2.00	\$2.00

Final Regulations

Area Preserve.

Boat Launch Fees: Required to use park boat ramps on bodies of water where motorboats are permitted. May not apply to small "car-top" launch facilities (facilities at which boats may only be launched by hand carrying them to the water). The fee is normally added to the parking fee to create a combined park/launch payment.

Daily Park/Launch Fees: All Seasons

All parks unless listed below.	\$3.00	\$3.00
<i>Claytor Lake</i>	\$2.00	\$2.00
First Landing, Kiptopeke (with Marine Fishing License), Lake Anna	\$4.00	\$4.00
Leesylvania, Kiptopeke (without Marine Fishing License)	\$8.00	\$8.00
Surcharge for second boat on same trailer: jet ski	\$2.00	\$2.00
Overnight parking at boat launch: where available	\$5.00	\$5.00
Camper's Boat Launch Fee Kiptopeke: Does not apply if camper parks trailer at campsite.	\$3.00	\$3.00

Annual and Lifetime Parking Fees:

		FEE
Lifetime Naturally Yours Passport Plus: Lifetime admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$275
Naturally Yours Passport Plus: 12-month from date of purchase admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$55
Naturally Yours Parking Passport: 12-month from date of purchase admission and parking pass to park of purchase.		\$33
Senior Lifetime Naturally Yours Passport Plus: See Lifetime Naturally Yours Passport Plus above.		\$100
Senior Naturally Yours Passport Plus: See Naturally Yours Passport Plus above.		\$30
Senior Naturally Yours Parking Passport: See Naturally Yours Parking Passport above.		\$20
Golden Disability Pass: Available to persons with disabilities as verified by U.S. Social Security Administration's (SSA) "Benefit Verification Letter." Pass remains in effect unless SSA withdraws eligibility.		No Charge
Annual Horse Trailer-Vehicle Pass: 12-months from date of purchase admission and park pass, including horse trailer, good at all parks.		\$72
<i>Annual Horse Trailer-Vehicle Pass: Occoneechee and Staunton River Only</i>		\$33
Replacement fee for annual pass: No replacement fee required for Golden Disability Pass.		\$40
Handicapped Motorized Vehicle Annual Pass Processing Fee: New River Trail. Applies to specially permitted handicapped vehicles and transportation devices allowed within the park. Fifteen dollars of the processing fee is refundable if permit is denied.		\$25

Annual and Lifetime Park/Launch Fees:

		FEE
Lifetime Naturally Yours Passport Plus for Boaters: Lifetime admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$385
Naturally Yours Passport Plus for Boaters: 12-month from date of purchase admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$138
Park/Launch Passport:		
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.		\$116
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.		\$88
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.		\$72
Senior Lifetime Naturally Yours Passport Plus for Boaters: Good at all parks.		\$285
Senior Naturally Yours Passport Plus for Boaters: Annual permit for all parks including Leesylvania.		\$110
Senior Park/Launch Passport:		
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.		\$99
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.		\$72
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.		\$60
Buggs Island Lake Special Annual Pass: Good only at Occoneechee and, Staunton, and Claytor Lake River State Parks.		\$33

Final Regulations

Leesylvania Annual Overnight Boating/Parking Program Fee:	\$61
<i>Handicapped Visitor Annual Boat Pass (in addition to handicapped tags).</i>	\$40

Special Event Fees:

	EVENT FEE
Special Use Application Fee: Special Use Permits, issued by the park, are required for special events and the fee is nonrefundable.	\$40
Standard Special Event Parking Fee: Applies to all parks and events that utilize parking fees unless noted below.	\$10 per vehicle
Community Event Fee: May be used by any park as a condition of a Special Use Permit for a community event provided by a nonprofit group or organization or government agency or entity.	\$1.00 per vehicle
Sky Meadows: Strawberry Festival.	\$40 per vehicle, one day \$15 per vehicle, two days
New River Trail: Wythe County Heritage Day. Grayson Highlands Fall Festival. Hungry Mother Arts and Crafts Festival.	\$6.00 per vehicle
Claytor Lake Arts and Crafts Festival: Free parking with canned food donation on designated day.	\$6.00 per vehicle \$9.00 per two-day pass \$12 per three-day pass
Kiptopeke: Eastern Shore Birding Festival.	Parking Fee waived to registered festival guests; otherwise standard fees apply
Chippokes Plantation Pork, Peanut, and Pine Festival.	\$5.00 per vehicle, 2002 event \$6.00 per vehicle, 2003 and beyond
Smith Mountain Lake: special park/launch rate for boaters participating in fishing tournaments if the tournament sponsor has also rented the Tournament Headquarters Building.	\$4.00 per vehicle/boat combination
Standard Special Event Per Person Entrance Fee: Applies to all parks and events that utilize per person admission fees unless noted below.	\$4.00 per adult \$3.00 per child, 6 through 12 years Children under 6 free
Sailor's Creek Battlefield: Battle of Sailor's Creek Reenactment.	\$5.00 per person Children under 6 free \$10 maximum per vehicle \$50 per bus (16 passenger +)
Chippokes Plantation Steam and Gas Engine Show.	\$6.00 \$5.00 per person Children under 12 free
Chippokes Plantation Christmas.	\$5.00 per person
Ocoonochee Native American Heritage Festival and Powwow: Youth Day.	\$1.00 per child
Grayson Highlands Wayne C. Henderson Music Festival.	\$8.00 per person Children under 12 free
York River Estuaries Day.	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Natural Tunnel Special Event Parking Fee.	\$2.00 per person \$6.00 per vehicle
Pocahontas Amphitheater Events.	\$4.00 per person
Leesylvania Early Opening Fee.	\$20 \$50 per first hour \$35 per additional hour

Notes on Parking Fees:

1. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.
2. Off-season rates apply from November 1 through March 31 of each year. Main season rates apply at all other times.
3. No parking fee is required for up to two vehicles per campsite and per cabin. Vehicles in excess of two shall pay the prevailing daily parking fee for each day that the vehicle is parked in the park.
4. Except as otherwise noted, boat launching shall be free for up to one boat per vehicle per campsite.
5. Parking fees are waived for any vehicle displaying handicapped license plates or temporary handicapped parking identification issued by any state or the federal government.

6. Parking fees are waived for any vehicle occupied solely by students and/or teachers and/or assisting personnel participating in an official activity of a bona fide school or institution of higher learning. Parks may require that individuals in vehicles other than those marked as a school bus verify their official activity by letter from the school or approved field trip form.
7. Parking fees are waived for official vehicles of federal, state, and local governments while on official business; vehicles making deliveries to the park; contractor and business vehicles performing work in the park; and emergency vehicles while conducting official business, including training.
8. Parking fees are waived for park employees during time of employment, including family and household members of staff occupying staff residences; visitors to staff residences, and park volunteers entering the park to perform volunteer duties.
9. Parking fees may be waived for vehicles conducting research or collecting activities provided such waiver is included in the language of the Research and Collection Permit.
10. The period covered by a daily parking fee shall be midnight to midnight. Park guests utilizing overnight parking when and where available (e.g., backpackers, overnight fisherman, etc.) will be required to pay the applicable daily parking fee for each calendar day that their vehicle is in the parking lot (partial days included).
11. Annual permits shall be valid for 12 months from the date of purchase, unless otherwise noted.
12. Parking fees are waived for visitors entering the park for the sole purpose of dining at the park restaurant at Douthat and Hungry Mother State Parks.
13. Parking fees are waived at state parks for participants in Walk for Parks, Fall River Renaissance, *Envirothons*, March for Parks, Operation Spruce-Up Day, *Stewardship Virginia*, and National Trails Day and other park-sanctioned public service events as approved by the Director.
14. Daily parking fees are reduced to \$1.00 for vehicles occupied by participants in fund-raising events sponsored by nonprofit organizations (Walk-A-Thons, etc.) provided the sponsor has obtained a special use permit from the park that contains provisions for the identification of participants in the event.
15. Parking fees shall be waived for persons using park roads to gain legal access to their private residence and guests to such residences; and for vehicles passing through, but not stopping in, a park on a public roadway.
16. Revenue collected from special event parking and/or admission fees may be divided between the park and the event sponsor if so designated and approved in the special event permit following a determination made by the director that the revenue split is in the benefit of the Commonwealth.
17. Annual Park/Launch pass also covers the park entrance or parking fee for horse trailers or other allowable trailers. Annual and Lifetime parking-only passes do not include trailers.
18. Parking fees are waived for service vehicles such as tow trucks when entering the park to service a visitor vehicle.
19. Parking fees are waived for visitors entering the park to attend a performance by a U.S. military band if this is a required condition for the band's performance.
20. Parking fees are included in the rental fees for meeting facilities, up to the capacity of the facility and provided that this waiver of fee is included in the rental agreement for the facility.
21. Parking fees are waived for a period of up to 15 minutes for persons entering the park to deposit materials in community recycling collection containers.
22. Parking fees are waived for vehicles occupied entirely by persons attending fee interpretive programs.

4 VAC 5-36-60. Admission fees.

ADMISSION FEES (NONTAXABLE)

	DAILY ADMISSION PER PERSON (Weekdays and Weekends unless otherwise noted.)	ANNUAL PASS (Good for 12 months from date of purchase.)
Shot Tower	Free	NA
Southwest VA Museum	\$1.50 (Groups of 10 or more any age) \$2.00 (Ages 6 through 12) \$3.00 (Age 13 and up)	\$4.00 \$3.00 (age 6 through 12) per year \$10 \$5.00 (age 13 and over) per year \$20 \$15 (family: up to 2 adults and 2 children) per year
Chippokes Plantation: Chippokes Mansion	\$2.00 (Age 6 through 12) \$4.00 (Age 13 and over) \$2.00 group rate (10 or more)	NA

Final Regulations

Chippokes Plantation: Farm and Forestry Museum	\$3.00 (Age 13 and over) \$2.00 (Age 6 through 12) \$2.00 group rate (10 or more)	NA
Chippokes Plantation: Combination Pass	\$6.00 (Age 13 and over) \$3.00 (Age 6 through 12)	NA
Kiptopeke Fishing Pier Fishing Fee	\$1.00 (Age 6 through 12) \$3.00 (Age 13 and over)	NA
Kiptopeke Fishing Pier Fishing Fee: Coupon book good for 10 visits	\$20 per 10 Passes	NA
ADMISSION		
Natural Tunnel Chairlift:		
Children under age 6		Free
Round trip per person		\$3.00
One-way per person		\$2.00
Group Rate Round Trip per person (10 or more)		\$2.00
Season Pass		\$20
Daily Pass (Good for unlimited trips on date of issue, good for one person only)		\$6.00
Archery Range: All parks where available; per person user fee		\$2.00 per day (over 15) \$1.00 per day (under 15) \$15 per year (any age)
New River Challenge Registration Fees		
Early Registration Fee:		\$30 \$35 per person \$60 \$90 per team
Late Registration Fee:		\$40 \$45 per person \$70 \$110 per team

Notes on Admission/Entrance Fees:

1. Fees are waived at Natural Tunnel for use of the chairlift on one designated "Customer Appreciation Day" per year.
2. Museum entrance fees are waived at the Southwest Virginia Museum during the "Festival of Trees" event for members of groups who submitted trees for the display.
3. For park museums and historic features that charge an entrance fee, visitors participating in the Time Travelers program of the Virginia Association of Museums shall be charged the existing per person group rate for that facility.

4 VAC 5-36-70. Swimming fees.

SWIMMING (NONTAXABLE)

	WEEKDAYS	WEEKENDS
Daily Swimming Fees		
All parks with fee swimming areas unless noted.	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Staunton River, Lake Anna, Westmoreland	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)
Claytor Lake	Under age 3 Free \$2.00 (Age 3 through 12) \$2.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Hungry Mother, Claytor Lake	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Pocahontas	Under age 3 Free \$5.00 (Age 3 through 12) \$6.00 (Age 13 and over)	Under age 3 Free \$7.00 (Age 3 through 12) \$8.00 (Age 13 and over)
Group campers utilizing unimproved group camps. All parks where available unless otherwise noted.	\$1.00 (all ages)	\$1.00 (all ages)
Pocahontas	\$2.00 (all ages)	\$2.00 (all ages)

Final Regulations

<p>Chippokes Plantation: Recreation/Education Fun Package: Swimming, Mansion, and Farm & Forestry Museum (Memorial Day – Labor Day: Wed. – Sun.)</p>	<p>\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)</p>	<p>\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)</p>
<p>Deposit on all locker keys: Refunded when key is returned.</p>	<p>\$2.00 each</p>	
<p>Swimming Coupon Book: (Age 3 and over). All parks where available unless otherwise noted.</p>	<p>\$18 per 10 coupons \$35 per 20 coupons</p>	
<p style="padding-left: 20px;">Pocahontas</p>	<p>\$35 per 10 coupons \$60 per 20 coupons</p>	
<p>Group Swimming: per person (10 persons or more). All parks where available unless otherwise noted.</p>	<p>\$1.50 (Age 3 through 12) \$2.50 (Age 13 and over)</p>	
<p style="padding-left: 20px;">Pocahontas</p>	<p>\$2.50 (Age 3 through 12) \$3.50 (Age 13 and over)</p>	
<p>Season Swimming Permit: All parks where available unless otherwise noted.</p>	<p>\$40 (Age 3 through 12) \$50 (Age 13 and over)</p>	
<p style="padding-left: 20px;">Pocahontas</p>	<p>\$60 (Age 3 through 12) \$70 (Age 13 and over)</p>	
<p>After-Hours Exclusive Use of Pool or Swimming Area: All parks where available. Requires prior reservation. Rental period of approximately 1-2 hours, depending upon operating schedule and amount of available daylight. Cancellation fee charged if reservation is cancelled less than 3 days before the date of event unless cancellation is for inclement weather or cancelled by the park.</p>	<p>\$100 (up to 25 persons) \$125 (26 to 50 persons) \$175 (51 to 75 persons) \$200 (76 to 100 persons) \$35 to open food concessions with rental \$50 cancellation fee</p>	
<p>Lifeguard Certification Course: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</p>	<p>\$102</p>	
<p>Head Lifeguard Training Module: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</p>	<p>\$37</p>	
<p>Waterfront Lifeguard Training Module: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</p>	<p>\$26</p>	
<p>CPR for the Professional Rescuer: Certification and recertification: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</p>	<p>\$46</p>	
<p>Swimming lessons. All parks where available unless otherwise noted. Package of eight 45-minute lessons (includes parking)</p>	<p>\$30 per person \$25 per person if two or more from same family</p>	

Notes on swimming fees:

1. Nonswimming adults in street clothes admitted to swimming areas free when supervising children *age 12 and under*.
2. Raincheck Policy for Swimming: All state parks will issue a raincheck, good for a period of 12 months from the date of issue, to any paying customer (does not apply to free swimming vouchers) if the swimming area is forced to close for 40 minutes or more due to inclement weather. Rainchecks may be issued only to patrons present at the swimming area at the time of closure.
3. A full refund is available for a group reservation only if the park or swimming area contractor is notified three days in advance of the time of the reservation. In the event that the group is unable to complete their reservation due to inclement weather, rainchecks will be issued to the individual members of the group in the same manner as other park patrons.
4. All Season Swimming Permits include parking during the swimming season only.

4 VAC 5-36-80. Commercial and nonprofit user fees.

COMMERCIAL AND NONPROFIT ORGANIZATIONAL USERS FEES (NONTAXABLE)

Permit Type:	DAILY FEE	ANNUAL FEE
<p>Commercial Parking <i>and State Park Use Permit Fees</i>: Required for for-profit companies and businesses that use the lands and/or facilities of a state park to deliver services to the public for a fee, and when such use is similar or the same as the general public use, unless permitted by other means. May not be used to establish exclusive or continuous concession-type services. Activities of this type include but are not limited to canoe, horse, bicycle, or hiking trip outfitters and rental agencies (if they deliver equipment or services on</p>		

Final Regulations

park property), caterers, and for-profit day care centers (note that some day care centers are government or nonprofit). The agency reserves the right to withhold this or any other permit or license for commercial use of parks when such use is deemed to be not in keeping with the mission of or intended purpose of the park, conflicts or interferes with other use of the park, or creates an unreasonable burden on the management of the park. Licensed commercial fishermen are not required to pay this fee, but are required to pay the applicable public user fee for the use of state park boat launches.

For 1 or 2 passenger vehicles (up to 15-passenger vans) or one bus and one passenger vehicle	\$10	NA
For 1 to 6 passenger vehicles (up to 15-passenger vans) or two buses and two passenger vehicles	NA	\$200
Commercial Parking/Launching Fees: Required for for-profit companies and businesses that use the lands and/or facilities of a state park to deliver services to the public for a fee, and when such use is similar or the same as the general public use, unless permitted by other means. May not be used to establish exclusive or continuous concession-type services.		
For 1 or 2 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or one bus and one passenger vehicle and/or passenger vehicle with trailer combination	\$14	NA
For 1 to 6 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or two buses and two passenger vehicles and/or passenger vehicle with trailer combinations	NA	\$250
Nonprofit Organization Parking Fees: These fees may be utilized only by nonprofit organizations engaged in the activities or purposes of the organization.		
For 1 or 2 passenger vehicles (up to 15-passenger vans) or one bus and one passenger vehicle	\$4.00	\$30
For 1 to 6 passenger vehicles (up to 15-passenger vans) or two buses and two passenger vehicles	\$9.00	\$70
Nonprofit Organization Parking/Launching Fees: These fees may be utilized only by nonprofit organizations engaged in the activities or purposes of the organization.		
For 1 or 2 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or one bus and one passenger vehicle and/or passenger vehicle with trailer combination	\$6.00	\$65
For 1 to 6 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or two buses and two passenger vehicles and/or passenger vehicle with trailer combinations	\$10	\$130

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. \$14 per night

Chippokes Plantation, Hungry Mother, Grayson Highlands, Staunton River, Westmoreland, Occoneechee, Claytor Lake, *Raymond R. "Andy" Guest, Jr. Shenandoah River, Smith Mountain Lake.* \$18 per night

Douthat, Kiptopeke, First Landing. \$22 per night

Water and Electric Sites: Access to water and electric hookups; access to bathhouse and restrooms.

Final Regulations

All parks where available unless noted below.	\$20 per night
Chippokes Plantation, Claytor Lake, Douthat, Fairy Stone, Grayson Highlands, Hungry Mother, Occoneechee, Staunton River, Westmoreland, <i>Pocahontas, Smith Mountain Lake.</i>	\$23 per night
Kiptopeke, <i>First Landing.</i>	\$28 per night
Water, Electric, and Sewage Sites: Access to water, electric, and sewage hookups; access to bathhouse and restrooms.	\$31 per night
Primitive Camping Sites: primitive restrooms; no showers.	
All parks where available unless noted below.	\$9.00 per night
Grayson Highlands (November, March, and April when bathhouses are closed), James River, Raymond R. "Andy" Guest Jr. Shenandoah River.	\$11 per night
New River Trail Primitive camping sites at Foster Falls and Cliffview	\$13 per night
<i>New River Trail Water Trail Camping (no potable water)</i>	<i>\$10 per night</i>
Horse Camping	
Grayson Highlands Only: Campsite Fee.	\$18 per night
Horse Stall Fee: All horses must be in stalls.	\$7.00 per night (Outside Stalls) \$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.	\$55 for entire area per night
Up to 30 campers.	\$83 for entire area per night
31 or more campers, up to maximum capacity of group camp area.	\$110 for entire area per night
Grayson Highlands: Primitive camping is available in the stable area November, March, and April.	\$11 per site per night
Special Group Camping Areas:	
Fairy Stone Group Campsites.	\$18 per site per night
Twin Lakes, Cedar Crest Group Camping Area.	\$14 per site per night \$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.	\$61 per night
Westmoreland Group Area.	\$110 per night
Standard Buddy Sites: All parks where available unless noted below.	\$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.	\$6.00 per use
Camping Reservation Cancellation Fee.	\$10 per reservation
Hiker <i>or noncamper</i> Shower Fee at Virginia State Parks along the Appalachian Trail.	\$5.00 per person

Final Regulations

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 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	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Cabin/Lodge Type				
Efficiency	\$76	\$455	\$68	\$409
One Bedroom, Standard	\$89	\$534	\$80	\$480
One Bedroom, Waterfront or Water View	\$98	\$591	\$88	\$528
One Bedroom, Chippokes Plantation	\$103	\$622	\$94	\$560
Two Bedroom, Standard	\$102	\$617	\$92	\$556
Two Bedroom, Waterfront or Water View	\$113	\$679	\$102	\$611
Two Bedroom, First Landing, Chippokes Plantation	\$120	\$717	\$108	\$646
Three Bedroom, Standard	\$117	\$699	\$105	\$628
Three Bedroom, Chippokes Plantation, <i>Bel Air Guest House</i>	\$135	\$814	\$122	\$733
Hill Lodge (Twin Lakes)	\$151	\$909	\$136	\$818
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), <i>Bel Air Mansion (Belle Isle)</i>	\$273	\$1,634	\$245	\$1,471
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland), Bel Air Mansion (Belle Isle)	\$321	\$1,927	\$289	\$1,735
Bel Air Guest House (Belle Isle)	\$135	\$814	\$122	\$733

Final Regulations

Belle Isle: Mansion and Guest House (combined)	\$414	\$2,467	\$374	\$2,224
Mid-Season Cabin and Lodge Rates	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Cabin/Lodge Type				
Efficiency	\$67	\$405	\$61	\$364
One Bedroom, Standard	\$79	\$474	\$72	\$427
One Bedroom, Waterfront or Water View	\$87	\$521	\$78	\$470
One Bedroom, Chippokes Plantation	\$83	\$497	\$75	\$448
Two Bedroom, Standard	\$91	\$549	\$83	\$494
Two Bedroom, Waterfront or Water View	\$101	\$604	\$90	\$543
Two Bedroom, First Landing, Chippokes Plantation	\$96	\$574	\$86	\$516
Three Bedroom, Standard	\$103	\$622	\$94	\$560
Three Bedroom, Chippokes Plantation, <i>Bel Air Guest House</i>	\$109	\$651	\$98	\$586
Hill Lodge (Twin Lakes)	\$135	\$809	\$121	\$728
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), <i>Bel Air Mansion (Belle Isle)</i>	\$242	\$1,454	\$218	\$1,308
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$286	\$1,716	\$257	\$1,544
Off-Season Cabin and Lodge Rates	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Cabin/Lodge Type				
Efficiency	\$56	\$337	\$51	\$304
One Bedroom, Standard	\$66	\$395	\$59	\$355
One Bedroom, Waterfront or Water View	\$73	\$433	\$65	\$391
One Bedroom, Chippokes Plantation	\$63	\$373	\$56	\$336
Two Bedroom, Standard	\$76	\$457	\$68	\$411
Two Bedroom, Waterfront or Water View	\$84	\$503	\$75	\$452
Two Bedroom, First Landing, Chippokes Plantation	\$72	\$430	\$65	\$387
Three Bedroom, Standard	\$86	\$517	\$77	\$465
Three Bedroom, Chippokes Plantation, <i>Bel Air Guest House</i>	\$81	\$488	\$74	\$440
Hill Lodge (Twin Lakes)	\$112	\$672	\$101	\$605
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), <i>Bel Air Mansion (Belle Isle)</i>	\$201	\$1,209	\$182	\$1,088
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$238	\$1,427	\$215	\$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)	\$50	NA	\$44	NA
Yurt rental: Standard fee	\$89	\$534	\$80	\$480
Travel Trailers: 25-30' Standard fee	\$89	\$534	\$80	\$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			

Final Regulations

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	\$88	\$440
Two Units – Capacity: 56	\$143	\$715
Three Units – Capacity: 84	\$187	\$935
Four Units – Capacity: 112	\$220	\$1,100
Complete Camp (Ecology Camp)	\$330	\$1,650
Complete Camp (Group Camp #3)	\$253	\$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, <i>Twin Lakes</i>	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
<i>Belle Isle</i>	<i>June 1 through July 31</i>	<i>April 1 through May 31 and August 1 through October 31</i>	<i>November 1 through March 31</i>

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.

Final Regulations

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.

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.
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.

4 VAC 5-36-110. Picnic shelters fees.

PICNIC SHELTERS (TAXABLE)

	HALF-DAY	FULL-DAY
Two reservation periods are available per day, per shelter.		
Standard Small Picnic Shelter Rental Fee: Bear Creek Lake, Belle Isle, Caledon, Chippokes Plantation, Claytor Lake (including gazebo), Douthat, Holliday Lake, Hungry Mother (half shelter), Lake Anna, Natural Tunnel, New River Trail, Occoneechee, Pocahontas, Smith Mountain Lake, Twin Lakes, Westmoreland, York River, and all other small park picnic shelters.	\$30	\$50
Standard Large Picnic Shelter Rental Fee: Belle Isle, Chippokes Plantation, Claytor Lake, Douthat Fairy Stone, First Landing, Grayson Highlands, Hungry Mother (full shelter), James River, Kiptopeke, Lake Anna, Natural Tunnel, Occoneechee, Pocahontas, Shenandoah, Smith Mountain Lake (Pavilion), Staunton River, Staunton River Battlefield, Twin Lakes, Mason Neck (tent shelter), York River, and all other large park picnic shelters.	\$45	\$80
Shenandoah Large Group Shelter	\$50	\$90
York River: Plus Package: Fee for use of concession rental equipment when a and picnic shelter is additionally rented. Add this fee to the standard shelter rental fees for York River noted above.		
Small Shelter: Up to 25 people	\$60 \$90	\$55 \$105
Large Shelter: Up to 40 people	\$90 \$135	\$80 \$160
Each additional person over 25 people for the small shelter and over 40 people for the large shelter.	\$3.25	\$3.25
Leesylvania Shelter Rental	\$50 \$60	\$95 \$120
Leesylvania: Lee's Landing Picnic Area Rental	\$30	\$55
Mason Neck Picnic Area Reservation (Includes one double grill, one single grill, and 10 picnic tables seating 6 people each) Rental		
Without tent shelter	\$45 \$30	\$85 \$55
With tent shelter (seasonably available)	\$60	\$120

Final Regulations

Chippokes Plantation Conference Shelter (with kitchen)	\$100 per function	\$100 per function
Chippokes Plantation Conference Shelter (without kitchen)	\$60 per function	\$60 per function
Event Tent Rental: Full day in-park rental only. Price includes set up and take down.		
Standard fee: All parks where available unless otherwise noted.	NA	\$0.38 per square foot
Chippokes Plantation, Douthat, Kiptopeke, Lake Anna, Pocahontas, Shenandoah River, Sky Meadows, Smith Mountain Lake, York River.	NA	\$0.45 per square foot
False Cape, First Landing, Leesylvania, Mason Neck.	NA	\$0.50 per square foot
Standard Shelter Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date. Shelter reservation may be transferred without penalty if the change is made through the reservations center prior to scheduled use.	\$10	\$10

Notes on shelters:

1. Full-day shelter rental period shall be from park opening until park closing, for day use, unless otherwise specified.
2. Morning half-day shelter rental period shall be from park opening until 2 p.m., unless otherwise specified.
3. Afternoon half-day shelter rental period shall be from 3 p.m. until park closing unless otherwise specified.
4. Half-day shelter rentals may not be made more than 30 days prior to the date of reservation.

4 VAC 5-36-120. Amphitheater and gazebo fees.

AMPHITHEATERS AND GAZEBOS (TAXABLE, Price here does not include tax)

Amphitheater or Gazebo Rental Fee:	HALF-DAY	FULL-DAY
Leesylvania, Fairy Stone, Staunton River, and all other amphitheaters and gazebos unless noted below.	\$15	\$30
Claytor Lake (gazebo), Hungry Mother, Occoneechee, Westmoreland, New River Trail, Shenandoah River (overlook), York River.	\$30	\$50
Smith Mountain Lake, Natural Tunnel (gazebo at Cove Ridge), James River, First Landing (gazebo at Chesapeake Bay Center), Douthat.	\$40	\$70
<i>York River and Douthat</i>	<i>N/A</i>	<i>\$100</i>
Natural Tunnel and First Landing Amphitheaters: Private group or company rate:	\$150	\$300
Natural Tunnel and First Landing Amphitheaters: Educational group.	\$75	\$150
First Landing: Courtyard at Chesapeake Bay Center; includes amphitheater and gazebo.	\$400	\$750
First Landing: Additional hourly charge for hours beyond 10 p.m. for gazebo.	\$10 per hour	\$10 per hour
First Landing: Additional hourly charge for hours beyond 10 p.m. for Courtyard.	\$50 per hour	\$50 per hour
Smith Mountain Lake: Fishing Tournament Headquarters.	\$25	\$25
Pocahontas Amphitheater Area: Does not include Heritage Center.		
Amphitheater, Exhibit Area, Restrooms (full area).	NA	\$900
Exhibit Area only.	NA	\$200
Use of Sound System: (4 hour minimum).	NA	\$30 per hour
Parking Attendant (per attendant).	NA	\$10 per hour
Law Enforcement Officer (per officer).	NA	\$25 per hour
Standard Amphitheater/Gazebo Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within fourteen days prior to date.	\$10	\$10
All parks unless listed below.	\$10	\$10
Pocahontas Amphitheater or First Landing Courtyard	\$100	\$100

4 VAC 5-36-130. Boat storage fees.

BOAT STORAGE (TAXABLE, Price here does not include tax)

Boat Storage Fees	FEE
Standard Annual Boat Storage Fee: Bear Creek Lake, Douthat, Hungry Mother, and all other parks where available unless noted below.	\$35
Leesylvania Boat Storage Fees: Annual Fee (Dec. 1 – Nov. 30). Fee prorated for partial year on a months-remaining basis. Fee includes one park/launch pass per storage rental space to coincide with the rental period.	
Boat Length Up To 16'	\$685
Boat Length Up To 17'	\$728
Boat Length Up To 18'	\$771
Boat Length Up To 19'	\$814
Boat Length Up To 20'	\$857
Boat Length Up To 21'	\$900
Boat Length Up To 22'	\$942
Boat Length Up To 23'	\$985
Leesylvania Canoe/Kayak Storage: Renter must possess an annual park admission pass	\$10 per month
Staunton River Boat Shed Fees: Does not include parking or launching fee, if applicable	
Nightly Storage	\$4.00
Monthly Storage	\$15
Six-Month Storage	\$70
One-year boat storage	\$120 without annual park/launch pass \$150 with Buggs Island Special pass
Claytor Lake: Boat Dock Slips:	FEE PER RENTAL SEASON FEE PER RENTAL NIGHT
7' wide and under	\$325 \$8.00
9' wide and under	\$506 \$8.00 \$16
14' wide and under	\$650 \$8.00 \$16

4 VAC 5-36-140. Interpretive canoe, boat, and paddleboat fees.

INTERPRETIVE CANOE, BOAT, AND PADDLEBOAT PROGRAMS (NONTAXABLE)

Interpretive Canoe, Boat, and Paddleboat Tours:	FEE
Environmental Education Group Canoe Tour: Available only to bona fide educational groups. Requires previous reservation and arrangements. Minimum 4 persons. Mason Neck and all other parks where available unless otherwise noted.	\$3.00 per person
Standard Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours. Child riding as third passenger, where allowed, is free.	
Individuals at all parks unless noted below.	\$5.00 per person
Individuals at Mason Neck , Leesylvania, York River, and Pocahontas.	\$9.00 per person
<i>Individuals at Mason Neck.</i>	<i>\$10 per person</i>
<i>Individuals at Natural Tunnel.</i>	<i>\$12 per person</i>
Individuals at False Cape: Back Bay Interpretive Tour.	\$16 per person
Family Groups at all parks unless noted below. Minimum 4 paying customers.	\$4.00 per person
Family Groups at Mason Neck , Leesylvania, Pocahontas, and York River. Minimum 4 paying customers.	\$6.00 per person
<i>Family Groups at Mason Neck.</i>	<i>\$7.00 per person</i>
<i>Group rate at Natural Tunnel (minimum 8 paying customers).</i>	<i>\$10 per person</i>
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours.	
All parks where offered unless noted below.	\$6.00 per person

Final Regulations

Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: Mason Neck , Leesylvania, York River, and New River Trail.	\$11 per person
<i>Mason Neck.</i>	\$12 per person
Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Mason Neck , Leesylvania, and York River.	\$13 per person
<i>Mason Neck.</i>	\$15 per person
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Applies to canoe, rowboat, or paddleboat tours. Minimum four paying customers.	
All parks where offered unless otherwise noted.	\$5.00 per person
Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Mason Neck , Leesylvania, Pocahontas, New River Trail, and York River. Requires 4 or more paying customers.	\$7.00 per person
<i>Mason Neck.</i>	\$9.00 per person
Moonlight/Night Canoe Interpretive Tour Fee for Family Groups: Mason Neck , Leesylvania, Pocahontas, and York River. Requires 4 or more paying customers.	\$8.00 per person
<i>Overnight Canoe Tour: Mason Neck (includes tents and dinner).</i>	\$50 per person
Bear Creek Lake: Willis River Interpretive Canoe Tour	
Short Trip.	\$8.00 per person
Long Trip.	\$10 per person
Natural Tunnel Clinch River:	
Half-Day Trip Group Rate. Requires 8 or more paying customers.	\$10 per person
Full-Day Trip. Group Rate. Requires 8 or more paying customers.	\$17 per person
Half-Day Trip. Individuals.	\$12 per person
Full-Day Trip. Individuals.	\$24 per person
Overnight Trip. Individuals.	\$45 per person
Interpretive Kayak Tour, Solo Kayak: Westmoreland and other parks where available.	\$16 per person
Interpretive Kayak Tour, Tandem Kayak: Westmoreland and other parks where available unless otherwise noted.	\$22 per kayak
Interpretive Kayak Tour, Tandem Kayak, First Landing: 2-hour tour: First Landing	\$40 per person
<i>Mason Neck Interpretive Kayak Tours (solo or tandem kayaks):</i>	
<i>Standard 2-hour tour</i>	\$20 per person
<i>Extended 4-hour tour</i>	\$30 per person
<i>All day kayak adventure</i>	\$50 per person
Interpretive Pontoon Boat Tour: All parks where available.	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
<i>Lake Anna Sightseeing Tour, Weekdays Only by Request</i>	\$25 per tour
<i>Lake Excursion and Ecology Tour: All parks where available (limit 6 people per tour)</i>	\$10 per person

Note on Interpretive Canoe, Boat, and Paddleboat Programs:

4- Cancellation Policy for group reservations: Guest must cancel four days prior to the tour date in order to receive a refund. Any guest canceling less than four days before the start of the reservation will not be eligible for a refund. A one-time \$10 cancellation fee will apply per reservation regardless of number of boats reserved. In the event of inclement weather where the park must cancel, the guest will be offered either a complete refund or reservation transfer to another date.

4 VAC 5-36-150. Interpretive and educational tours and program fees.

INTERPRETIVE AND EDUCATIONAL TOURS AND PROGRAMS (NONTAXABLE)

Interpretive and Educational Tours and Programs

PARK	PROGRAM	FEE
All parks <i>unless otherwise noted:</i>	Standard Interpretive Program: (Fee does not apply to informational programs such as campfire programs or roving interpretation).	\$2.00 per person \$6.00 per family

Final Regulations

	Standard Night Hike or Evening Program	\$3.00 per person \$8.00 per family
	Standard Wagon Ride Program	\$3.00 per person \$8.00 per family \$25 exclusive group
	Extended or Special Event Wagon Ride Program	\$4.00 per person \$10 per family
	Park Outreach Program	\$10 for under 2 hours \$25 for 2 to 3 hours \$50 for 4 hours plus
	Standard Junior Ranger Program: 4-day program. All parks unless noted below.	\$10 full program \$3.00 per day
	<i>Haunted Hike</i>	<i>\$1.00 (Age 3 through 12)</i> <i>\$3.00 (Age 13 and over)</i>
Pocahontas	<i>Nature Camps</i>	<i>\$50 per 3-hour day for one week</i> <i>\$100 per 6-hour day for one week</i>
	<i>Curious Kids</i>	<i>\$3.00 per program</i>
	<i>Nature and Discovery Programs (School/Groups Outreach)</i>	<i>\$40 per hour at park</i> <i>\$60 per 1 and one-half hours at park</i> <i>\$80 per 2 hours at park</i> <i>\$50 per hour at school</i> <i>\$70 per 1 and one-half hours at school</i> <i>\$90 per 2 hours at school</i> <i>\$15 additional if over 30 miles from park</i>
Sky Meadows	Music Program	\$5.00 per person
	A Day in Wildflower Woods	\$8.00 per person
Southwest Virginia Museum	<i>How Our Ancestors Lived (9-Week Children's Series)</i>	<i>\$10 per person for entire series</i> <i>\$2.00 per person for individual program</i>
	<i>Workshop (Adult)</i>	<i>\$10 per person</i>
	<i>Workshop (Children)</i>	<i>\$5.00 per person</i>
Caledon	Caledon Eagle Tours	\$6.00 per person \$50 Flat Rate (minimum: 10; maximum: 20)
	<i>All Group Programs up to 2 hours long</i>	<i>\$5.00 per person</i>
	<i>Haunted Hay Ride</i>	<i>\$12 per person</i>
	Caledon Junior Ranger Program	\$15 per person
	Special Program Bus Fee: Programs involving transportation within the natural area.	\$3.00 per person
Natural Tunnel: Cove Ridge	Guided Programs	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)
	Environmental Education (Children's Activities)	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)
	3 or More Activities	\$15 per program \$25 facility fee (If applicable)
	Environmental Education (Adult Facilitation)	\$15 per person
	Field Trips	Per program charge with use of center; chairlift passes, if required for program, included in cost

Final Regulations

Hungry Mother/Hemlock Haven	Junior Naturalist Program	\$4.00 per person per week \$12 unlimited participation in interpretive season
Kiptopeke	Birding Program (Hawk observatory/bird banding station)	\$4.00 per person
	Birding Program (Group Rates)	\$35 (Corporate) \$25 (Nonprofit)
York River	Guided Adventure Programs	\$4.00 per person \$40 per group (Minimum 12 persons)
	York River Children's Programs	\$2.00 per person, single program \$10 unlimited participation throughout Interpretive Season
Westmoreland	Guided Program Fee	\$25 per person
Mason Neck	Junior Ranger Program (Includes T-Shirt)	\$35 per person
	<i>Standard Wagon Ride Program</i>	<i>\$50 Exclusive Group Reservation</i>
	Ranger Led Programs – Groups	\$3.00 per person
	<i>Hay Wagon and Hot Dog Roast</i>	<i>\$10 per person</i>
	<i>Bike Tours - 2 hours</i>	<i>\$10 per person</i>
	<i>Extended Bike Tours - 4 hours</i>	<i>\$15 per person</i>
	<i>Canoe and Bike Tour - 4 hours</i>	<i>\$20 per person</i>
	<i>Halloween Haunted House/Hay Wagon Ride</i>	<i>\$5.00 per person</i>
Holliday Lake	Field Archaeology Workshop	\$25 per person
	Junior Ranger Program (3 half-day workshop) (Ages 6 to 13)	\$25 per child
Grayson Highlands	Junior Ranger Program	\$2.00 per person per day
False Cape	Wildlife Watch Tour – Per Person	\$5.00 per person
Staunton River	Junior Ranger Program	\$4.00 per session
	Interpretive Craft	\$2.00 per person
	Down A Lazy River Guided Canoe Trip	\$6.00 per child \$8.00 per adult
	<i>Hayride</i>	<i>\$1.00 per person</i>
First Landing	Fall Friends	\$5.00 per person per class \$25 per person for all classes
	Junior Ranger Program	\$25 per person
	Kritter Kids	\$25 per person
Bear Creek Lake	Interpretive bike tours	\$3.00 per person
Leesylvania	Junior Ranger Program	\$25 per person
	Halloween Haunted Hike	\$2.00 per person
	Interpretive Programs	\$2.00 per person
	Kids Fishing Tournament	\$2.00 per child

Natural Tunnel	Wild Cave Tours	\$10 per person \$5.00 per person (Family-Group; 8-person minimum)
	Bolling Cave Tours	\$20 per person \$10 per person (Family-Group; 8-person minimum)
Westmoreland	Orienteering Program	\$3.00 per person \$25 per group (20 maximum)
New River Trail	New River Trail Seniors Van Tour	\$25 per person

Notes on Interpretive and Educational Tours and Programs:

Additional costs for supplies and materials may apply.

4 VAC 5-36-170. Hunting fees.

HUNTING (NONTAXABLE)

Hunting: All parks where available unless otherwise noted. (Does not apply to open hunting areas at Fairy Stone, Hungry Mother, Grayson Highlands, Occoneechee, and Pocahontas)		FEE
Standard Daily Hunting Fee for reservation-type managed hunts (No separate application fee required).	\$15 per hunter per day	
Standard Daily Hunting Fee for lottery-type managed hunts (Paid in addition to any applicable application fee).	\$45 \$10 per hunter per day	
False Cape Daily Hunting Fee for lottery-type managed hunts (Paid in addition to any applicable application fee).	\$10 per hunter per day	
Lottery Hunt Application Fee	\$5.00 per application	
Chippokes Plantation: Southern Heritage Deer Hunt	\$325 per adult, or youth 16 through 17 with a separate stand \$200 per youth ages 12 through 17, requires shared stand with a paying adult \$50 per nonhunting companion	
	Discounted rate (for reservations made prior to May 15, 2003, or April 1 all later years)	
	\$300 per adult, or youth 16 through 17 with a separate stand \$175 per youth ages 12 through 17, requires shared stand with a paying adult \$45 per nonhunting companion	

4 VAC 5-36-180. State park performing arts events fees.

STATE PARK PERFORMING ARTS EVENTS (NONTAXABLE)

State Parks Performing Arts Events:		FEE
Natural Tunnel Gospel Singing Festival	\$5.00 per vehicle	
Douthat Shakespeare in the Park	Under age 3 is free \$3.00 (Age 3 through 12) \$5.00 (Age 13 and over)	
First Landing Arts in the Park Series (4 concerts): Price per concert	Under age 3 is free \$3.00 (Age 3 through 12) \$5.00 (Age 13 and over)	
First Landing: Arts in the Park Series: Season Pass	Under age 3 is free \$10 (Age 3 through 12) \$16 (Age 13 and over)	
First Landing: Music in the Park (9 concerts): Price per concert	Under age 3 is free \$3.00 per person (Age 3 and over)	
First Landing: Music in the Park: Season Pass	Under age 3 is free \$22.50 (Age 3 and over)	

Final Regulations

Smith Mountain Lake: Music in the Park (per event)

Under age 12 is free
 \$3.00 (Age 13 and over)
 \$20
 \$28

Pass for 10 events
 Pass for 15 events

Note on Performing Arts Event Fees:

~~4. Cancellation Policy for Performing Arts Programs: In the event that inclement weather forces the cancellation of a performing arts program, a full refund will be provided to ticket holders. Since rescheduling may not be an option, if and when the program is rescheduled, those interested in attending must repurchase their tickets to the performance.~~

1. Generally, all events to on rain or shine and no refunds will be given. If an event is canceled by management, a full refund will be provided to ticket holders if rescheduling is not an option. No refunds will be given for any reason other than event cancellation.

2. "Ticket as Voucher" policy for Performing Arts Series: Generally, all events go on rain or shine. Should a specific event/program in the series be canceled by management, the cancellation policy regarding refunds (see 1 above) applies. However, unused tickets, including tickets not used due to purchaser's own decision, retain face value that may be applied to entry to subsequent events, including events in future seasons. No refunds will be given for any reason other than event cancellation.

4 VAC 5-36-190. Environmental education center fees.

ENVIRONMENTAL EDUCATION SERVICES AND FACILITIES FEES (TAXABLE unless otherwise noted)

PARK	SERVICE OR FACILITY	FEE
First Landing, Caledon, Mason Neck	Rental of Environmental Education Center	\$60 per day \$40 per half-day
	Chesapeake Bay Center Exhibit Area. Fee required after 5 p.m. or after regular operating hours	\$25 per hour
False Cape State Park	Wash Woods Environmental Education Center - Use by educational group	\$200 per night \$60 day use
	Wash Woods Environmental Education Center Use by noneducational Group	\$300 per night \$100 day use
	Deposit to accompany reservation application	\$40
	Environmental Education Programs (Nontaxable)	\$75
	Bus transportation for educational group (Nontaxable)	\$36 round trip \$18 one way
	Bus transportation for noneducational group (Nontaxable)	\$48 round trip \$24 one way
	Bus transportation within the park (Nontaxable)	\$18 per hour
	Beach vehicle transportation for educational group (10 person minimum)	\$100 round trip
	Beach vehicle transportation for noneducational group (10 person minimum)	\$160 round trip
	Beach vehicle transportation, individual rate on regularly scheduled dates	\$8.00 round trip per person
Mason Neck	Transportation, Additional Park Vehicle (Nontaxable)	\$36 round trip
	Equipment Rental	\$20
	Hartwell Environmental Education Center (Includes wet lab and equipment)	\$40 \$50 per half-day \$60 \$80 per full-day
Leesylvania	Environmental Education Equipment only: Excludes center and wet lab – outdoor activity only	\$25 per half-day \$40 per full-day
	Discovery Room	
	Teacher Led Programs Up to 4 hours (Nontaxable)	\$50
	Ranger Led Programs Up to 4 hours (Nontaxable)	\$85

Menu Programs: Picked by instructor – led by ranger; 1-hour 15-minute minimum (Nontaxable)	\$30
Equipment Rental: For use outside of Visitor Center; 4-hour maximum	\$20

Note on Environmental Education Center Fees:

4- Environmental Education Center Cancellation Policy: For day-use E.E.C. cancellation policy, Picnic Shelter cancellation policy shall apply. For overnight-use E.E.C. cancellation policy, cabin cancellation policy shall apply.

4 VAC 5-36-200. Miscellaneous Rental Fees.

RENTALS (TAXABLE; Price here does not include tax)

Bike Rentals <i>(includes helmet)</i>	FEE
All parks where available unless otherwise noted	\$3.00 per hour \$8.00 per half-day \$15 per full-day
Fairy Stone	\$5.00 per hour \$30 per full-day
Occoneechee: Includes Helmet	\$6.00 for one hour \$10 for two hours \$15 for half day \$25 for full day \$30 for 24 hours \$50 for 48 hours
Claytor Lake	\$4.00 per hour \$25 per day
New River Trail	\$5.00 per hour \$12 per half-day \$18 per day
Staunton River: Family Bicycle Package. Includes 4 bicycles.	\$9.00 per hour \$25 per half-day \$38 per full-day
First Landing	\$5.00 per hour \$16 per day
<i>Bike Helmet without bike rental</i>	\$1.00
<i>Child Cart for bike</i>	\$5.00
Boat Rentals	FEE
Standard Paddle Boat Rental:	
All parks where available unless otherwise noted	\$4.00 per half-hour \$6.00 per hour
Occoneechee: Paddleboat	\$12 for one hour \$18 for two hours \$24 for half-day \$39 for full-day \$44 for 24 hours \$75 for 48 hours
Smith Mountain Lake: Paddleboat	\$10 per half-hour \$15 per one hour \$60 for 24 hours \$90 for 2 days \$120 for 3 days \$150 for 4 days \$170 for 5 days
<i>Lake Anna: Paddleboat</i>	<i>\$15 per hour \$30 per half-day \$50 per full day</i>
Standard Canoe Rental:	

Final Regulations

All parks where available unless otherwise noted.

\$6.00 per hour
\$12 per half-day
\$22 per full-day
\$80 per week

Occoneechee: Includes ~~orange~~ Personal Flotation Devices, paddles, and car-top carrier

\$8.00 per hour
\$12 for two hours
\$15 for half-day
\$25 for full-day
\$30 for 24 hours
\$50 for 48 hours

Smith Mountain Lake

\$8.00 per half-hour
\$12 per one hour
\$60 for 24 hours
\$90 for 2 days
\$120 for 3 days
\$150 for 4 days
\$170 for 5 days

Claytor Lake, *Mason Neck*

\$12 per hour
\$35 per half-day
\$50 per day

Lake Anna

\$15 per hour
\$30 per half-day
\$50 per full day

New River Trail

\$7.00 per hour
\$20 per half-day
\$30 per day
\$35 per half-day, includes canoe rental ~~plus~~
and shuttle
\$50 per full day, includes canoe rental ~~plus~~
and shuttle

Canoe Rental (includes shuttle)

Trip A: Austinville to Foster Falls

\$35 per canoe

Trip B: Ivanhoe to Austinville

\$45 per canoe

Trip C: Ivanhoe to Foster Falls

\$50 per canoe

Trip D: Foster Falls to Route 100

\$45 per canoe

Trip E: Route 100 to Allisonia

\$50 per canoe

Trip F: Foster Falls to Allisonia

\$55 per canoe

Kayak Rental (includes shuttle)

Trip A: Austinville to Foster Falls

\$25 per kayak

Trip B: Ivanhoe to Austinville

\$35 per kayak

Trip C: Ivanhoe to Foster Falls

\$40 per kayak

Trip D: Foster Falls to Route 100

\$35 per kayak

Trip E: Route 100 to Allisonia

\$40 per kayak

Trip F: Foster Falls to Allisonia

\$45 per kayak

Standard Rowboat Rental, without motor:

All parks where available unless otherwise noted

\$6.00 per hour
\$12 per half-day
\$22 per full-day
\$80 per week

~~Claytor Lake: Rowboat/Jon Boat rental without motor:~~

~~\$4.00 per hour~~

Hungry Mother: Rowboats

\$4.00 per hour
\$15 per day
\$40 per week

New River Trail, *Claytor Lake*: Rafts and flat-bottom boats

\$7.00 per hour
\$20 per half-day
\$30 per day

Final Regulations

Standard Rowboat Rental with electric motor and battery: All parks where available unless otherwise noted	\$10 per hour \$20 per 4 hours \$36 per day \$100 per 4 days \$150 per week
Standard Motorboat Rental, 16-foot console steering, 25-45 horsepower outboard. All parks where available.	\$18 per hour \$90 per day
Standard Fishing Boat Rental with gasoline motor and one tank of fuel: All parks where available.	\$10 per hour (2-hour minimum) \$50 per day
Pedal Craft Rental: (Hydro-Bike, Surf-Bike, etc.) All parks where available unless otherwise noted.	
One person.	\$5.00 per hour
Two person.	\$8.00 per hour
Smith Mountain Lake: Hydro Bike	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$90 two days with 1 night \$120 three days with 2 nights \$150 four days with 3 nights \$170 five days with 4 nights \$190 six days with 5 nights \$210 seven days with 6 nights
Barracuda Boat. All parks where available	\$10 per hour
Solo Kayak Rental:	
All parks where available unless otherwise noted	\$8.00 per hour
Occoneechee: Includes orange PFD's <i>Personal Flotation Devices</i> , paddles, and car-top carrier.	\$10 per hour \$15 for two hours \$20 for half-day \$35 for full-day \$40 for 24 hours \$70 for 48 hours
Smith Mountain Lake	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$90 two days with 1 night \$120 three days with 2 nights \$150 four days with 3 nights \$170 five days with 4 nights
Claytor Lake, <i>Mason Neck</i>	\$10 per hour \$35 per half-day \$50 per day
New River Trail	\$7.00 per hour \$20 per half-day \$30 per day
First Landing	\$20 per half-day \$35 per day
<i>Lake Anna</i>	\$15 per hour \$30 per half-day \$50 per full-day
Tandem Kayak Rental:	
All parks where available unless otherwise noted.	\$10 per hour
Occoneechee: Includes PFD's <i>Personal Flotation Devices</i> , paddles, and car-top carrier.	\$12 per hour \$18 for two hours \$24 for half-day \$39 for full-day \$44 for 24-hours \$75 for 48-hours

Final Regulations

Claytor Lake	\$15 per hour \$45 per half-day \$60 per day
First Landing	\$25 per half-day \$40 per day
Smith Mountain Lake: 14-foot fishing boat with 5 hp (3 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$50 for 3-hours \$75 for 6-hours \$110 for 24-hours \$160 for 2 days with 1 night \$210 for 3 days with 2 nights \$250 for 4 days with 3 nights \$290 for 5 days with 4 nights \$330 for 6 days with 5 nights \$360 for 7 days with 6 nights
Claytor Lake: 14-foot boat with 6 hp motor	\$12 per hour \$30 per half-day \$55 per day
Claytor Lake: 14-foot fishing boat with 8 hp motor	\$14 per hour \$38 per half-day \$60 per day
Claytor Lake: 14-foot v-hull boat with 15 hp motor	\$17 per hour \$50 per half-day \$85 per day
Claytor Lake: 16-foot v-hull with 15 hp motor	\$18 per hour \$55 per half-day \$90 per day
Lake Anna: 16-foot v-hull with 15 hp motor: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$200 damage deposit required.	\$69 per half-day \$99 per day
Lake Anna: Runabout with 50 hp motor (6-person): Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$200 damage deposit required.	\$149 per half-day \$199 per day
<i>Lake Anna: 12-foot jon boat with electric motor and oars.</i>	<i>\$15 per hour \$30 per half-day \$50 per full day</i>
Occoneechee: Powerboats, 3-person	\$38 per hour \$12 each extra hour \$70 per half-day \$115 per day \$135 per 24 hours \$250 per 48 hours
Occoneechee: Pontoon boat	\$75 \$85 per hour \$87 \$100 per two hours \$100 \$120 per half-day \$135 \$150 per full day \$175 \$200 per 24 hours \$300 \$350 per 48 hours \$50 additional per day after 48 hours
Occoneechee: Ski Boat (<i>six passenger</i>)	\$85 per hour \$100 per two hours \$120 per half-day \$150 per full day \$200 per 24 hours \$350 per 48 hours \$50 additional per day after 48 hours

Ski Boat (eight passenger)

\$85 per hour
\$100 per two hours
\$150 per half-day
\$190 per full day
\$240 per 24 hours
\$390 per 48 hours
\$50 additional per day after 48 hours

Smith Mountain Lake: 17-foot runabout with 75 hp. (6-person capacity) Rental does not include fuel and oil. Damage deposit of \$200 required.

\$90 for 3 hours
\$130 for 6 hours
\$200 for 24 hours
\$280 for 2 days with 1 night
~~\$360 for 3 days with 2 nights~~
~~\$510 for 5 days with 4 nights~~
~~\$580 for 6 days with 5 nights~~
~~\$650 for 7 days with 6 nights~~
\$70 additional each day after 2 days

Smith Mountain Lake: 20-foot Sea Ray with 133 hp (8 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.

\$110 for 3 hours
\$170 for 6 hours
\$250 for 24 hours
\$350 for 2 days with 1 night
~~\$440 for 3 days with 2 nights~~
~~\$530 for 4 days with 3 nights~~
~~\$620 for 5 days with 4 nights~~
~~\$710 for 6 days with 5 nights~~
~~\$795 for 7 days with 6 nights~~
\$90 additional each day after 2 days

Claytor Lake: 18-foot pontoon boat (5 person capacity)

~~\$75 per half day~~ \$90 per 4 hours
~~\$140 per day~~ \$150 per 8 hours

Claytor Lake: 22-foot pontoon boat (10 person capacity)

~~\$150 per half day~~ \$160 per 4 hours
~~\$250 per day~~ 8 hours

Lake Anna: Pontoon boat, 6-person: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$300 damage deposit required.

\$50 per hour
\$149 per half-day
\$199 per day

Lake Anna: Pontoon boat, 15 person: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$300 damage deposit required.

\$50 per hour
\$189 per half-day
\$249 per day

Smith Mountain Lake: 24-foot pontoon boat with 40 hp (10-12 person capacity).

\$80 for 3 hours
\$120 for 6 hours
\$165 for 24 hours
\$235 for 2 days with 1 night
~~\$315 for 3 days with 2 nights~~
~~\$395 for 4 days with 3 nights~~
~~\$465 for 5 days with 4 nights~~
~~\$535 for 6 days with 5 nights~~
~~\$595 for 7 days with 6 nights~~
\$80 additional each day after 2 days

Smith Mountain Lake: Personal Watercraft (Waverunner 700). Rental does not include fuel and oil. Damage deposit of \$500 required.

\$110 for 3 hours
\$170 for 6 hours
~~\$250~~ \$305 for 24 hours
~~\$350~~ \$390 for 2 days with 1 night
~~\$440 for 3 days with 2 nights~~
~~\$530 for 4 days with 3 nights~~
~~\$620 for 5 days with 4 nights~~
~~\$710 for 6 days with 5 nights~~
~~\$795 for 7 days with 6 nights~~
\$100 additional per day after 2 days

Final Regulations

Standard Damage/Replacement Fees: All parks where available unless otherwise noted. Not required for damage due to normal wear and tear.

Paddle	\$20
Anchor/Rope	\$40
Fuel Tank/Hose	\$60
Fire Extinguisher	\$25
Throw Cushion	\$10
Propeller (<i>small</i>)	\$60
Propeller (<i>large</i>)	\$100

Other Rentals:

Personal Flotation Device (PFD): When separate from boat rental.	\$1.00 per day
Smith Mountain Lake: Personal Flotation Device, type II.	\$5.00 for first day \$1.00 additional days
Smith Mountain Lake: Personal Flotation Device, type III	\$7.00 for first day \$2.00 additional days
Occoneechee: Ski Tubes; Wake-boards; Combo Skis	\$8.00 per hour \$12 for two hours \$15 for half-day \$25 for full-day \$30 for 24 hours \$50 for 48 hours
Occoneechee: Additional Ski Vest	\$2.00 \$5.00 each
Occoneechee: Ski Rope	\$5.00 per day
New River Trail: Float Tubes	\$10 per day
Smith Mountain Lake: Tow tube; Water Skis; Knee Board	\$15 per day with boat rental \$25 per day without boat rental
Smith Mountain Lake: Wake Board	\$25 per day with boat rental \$30 per day without boat rental
Mobile Pig Cooker: All parks where available unless otherwise noted.	\$40 per day
Volleyball Net and Ball Rental: All parks where available.	\$10
Binocular Rentals (2 hours): All parks where available.	\$2.00
Beach Floats: All parks where available.	\$1.00 per hour \$3.00 for 4-hours \$5.00 for full-day
Surf Lounge Floating Chair Rental. All parks where available.	\$2.00 per hour, single chair \$5.00 per half-day, single chair \$7.00 per full day, single chair \$3.00 per hour, double chair \$7.00 per half-day, double chair \$10 per full day, double chair
Body Board: First Landing	\$5.00 per day
Beach Umbrella: All parks where available unless otherwise noted.	\$3.00 per hour \$8.00 for 4 hours \$15 for full-day
First Landing	\$5.00 per day
Kiptopeke	\$5.00 per 4 hours \$8.00 per 8 hours
Beach Chair: All parks where available	\$5.00 per day
Fishing Rods: All parks where available unless otherwise noted.	\$5.00 per half-day
First Landing	\$6.00 per day

Tents with a group camp reservation. All parks where available.

~~2-person tent: All parks where available.~~

~~3-person tent~~

~~4-person tent~~

~~5-person tent~~

\$12 per day

\$20 per day

\$25 per day

\$30 per day

Coin-Operated Washing Machine: All parks where available unless otherwise noted.

First Landing

\$1.00 per load, tax included

\$1.25 per load, tax included

Coin Operated Dryer: All parks where available unless otherwise noted.

First Landing

\$0.75 per load, tax included

\$0.25 per 15 minutes (large), tax included

\$1.25 per 45 minutes (small), tax included

6-Foot Table (Includes 6 chairs)

Additional chairs:

\$10 per rental period

\$2.50 each per rental period

Horse Rentals:

~~New River Trail~~ All parks where available unless otherwise noted.

\$20 per one-hour ride

~~\$40 per two-hour ride~~

\$100 per full day ride

Shenandoah, Sky Meadows

~~\$16 per half hour ride, weekdays~~

~~\$20 per half-hour ride, weekends~~

~~\$25 per one-hour ride, weekdays~~

~~\$30 per one-hour ride, weekends~~

~~\$42 per two hour ride, weekdays~~

~~\$56 \$55 per two-hour ride, weekends~~

Pony Rides: All parks where available unless otherwise noted.

\$5.00 per 15 minutes

Horseback Riding Lessons: All parks where available unless otherwise noted.

\$25 per lesson on group basis

\$30 per lesson for individual

Horseshoe or Croquet Rental for Campers. All parks where available.

\$1.00 per hour

\$5.00 per day

\$20 deposit

4 VAC 5-36-210. Conference Center Fees.

CONFERENCE CENTERS (TAXABLE)

Prices may be discounted and/or waived by the director when necessary to create competitive bids for group sales.

FEE

Hemlock Haven Conference Center at Hungry Mother

Main Hall (Capacity: 375)

\$250 per day

Upper Level (Capacity: 50)

\$150 per day

Redbud Room: (Capacity 35)

\$50 per day

Laurel Room (Capacity: 20)

\$35 per day

Entire Meeting Room Complex

\$400 per day

~~Exclusive Use (includes all cabins and meeting rooms)~~

~~The Friday prior to Memorial Day through Labor Day of each year.~~

~~Fridays and Saturdays~~

~~\$1,200 per 12 hours~~

~~Sundays through Thursdays~~

~~\$600 per 12 hours~~

~~Exclusive Use (includes all cabins and meeting rooms) The Tuesday following Labor Day~~

~~through the Thursday prior to Memorial Day of each year.~~

~~Fridays and Saturdays~~

~~\$850 per 12 hours~~

~~Sundays through Thursdays~~

~~\$425 per 12 hours~~

Day Use Recreational Package (Includes all outside recreational facilities)

0 – 250 Persons

\$250 per half-day

\$500 per full-day

250 – 500 Persons

\$375 per half-day

\$750 per full-day

500 + persons

\$500 per half-day

\$1,000 per full-day

~~Exclusive Use Recreational Package: Includes all recreational facilities, pool, and main floor of Ferrell Hall; does not include cabins.~~

~~\$1,150 per full day~~

Pool Use: Full-Day rental only

\$150 per full day

Final Regulations

Cedar Crest Conference Center at Twin Lakes

Complex: Doswell Hall with deck, grounds, volleyball, horseshoes; Kitchen, Latham and Hurt Rooms NOT included.	\$175 \$218 per 4 hours \$350 \$437 per day \$50 each extra hour
Doswell Meeting Room: Meeting Room Only; no kitchen or dining room.	\$125 \$156 per room per 4 hours \$250 \$312 per room per day \$35 each extra hour
Small break-out rooms with main room: Latham and Hurt.	\$50 \$62 per room per 4 hours \$100 \$125 per room per day \$20 each extra hour
Small break-out rooms without main room.	\$75 \$93 per room per 4 hours \$150 187 per room per day \$35 each extra hour
Picnic Shelter or Gazebo at Cedar Crest.	\$65 per 4 hours \$125 per day \$10 each extra hour
Kitchen rental Only available with complex rental.	\$100 per event
Kitchen Cleaning Fee: Deposit.	\$150 per event
Boat Package: 4 paddle boats and 2 row boats: Only available with facility rentals	\$55 per 4 hours \$110 per day
Package Plans: Includes overnight rental for 24-hour period and complex rental for an 8-hour period between 8 a.m. and 11 p.m.	
6 Cabins and Complex: one night minimum.	\$670
6 Cottages and Lodge: one night minimum.	\$840
6 Cottages, Martin Cottage, and Lodge: one night minimum.	\$904
30' x 42' Frame Tent: For use on pavilion deck or lawn.	\$250 per event

Chippokes Plantation Meeting, Conference, and Special Use Facilities

Mansion Conference Room.	\$25 per hour
Mansion or Historic Area Grounds (Includes parking for party rental).	\$300 per 4 hours
Mansion Board Room	\$100 per 4 hours
Program Options: Wagon Tour (24 Maximum).	\$48
Program Options: Canoe Tour: Approx. 2 hours (12-person minimum; 22-person maximum).	\$48
Chippokes Plantation Conference Shelter (Available on reservation basis only).	\$100 per 4 hours
Wedding Package (includes historic area grounds, gardens, tent set up and take down, Wedding Coordinator, changing room for bride and groom, Mansion kitchen area, boardroom, no fee for wedding rehearsal).	\$720 per 4 hours \$1,170 per 8 hours \$50 nonrefundable reservation fee

Southwest Virginia Museum – Victorian Parlor Room Rental (Based on 4-hour rental)

	DAY	EVENING
Option #1: Victorian Parlor – Basic Room Package (Includes tables with linen and chairs)		
Up to 22 People (6 tables – 22 chairs)	\$30	\$55
23 to 30 People (8 tables – 30 chairs)	\$40	\$65
OR		
Up to 50 people (50 chairs and head table)		
Option #2: Victorian Parlor – Executive Room Package (Includes tables with linen and chairs, water pitcher with glasses, coffeepot with cups (coffee not included), AV equipment, and presentation aids)		
Up to 22 People (6 tables – 22 chairs)	\$50	\$75
23 to 30 People (8 tables – 30 chairs)	\$65	\$90
OR		
Up to 50 people (50 chairs and head table)		
Option #3: Additional meeting rooms: Victorian Parlor must be rented in order to rent additional rooms.		
Hallway (downstairs) (Includes two existing tables with linens)	\$10	\$10
Each Additional Table with Linens	\$10	\$10
Small Parlor: AV room or Big Stone Gap Photo room (Includes 1 table with linens and 6-8 chairs)	\$30	\$30
Big Stone Gap Development Room (Includes 1 table with linens and 6-8 chairs)	\$40	\$40
Surcharge for exceeding approved hours	\$20	\$20
Additional Hours	\$5.00 per hour	\$5.00 per hour

Final Regulations

<p>Wedding Portraits <i>Surcharge for exceeding approved hours</i> Additional hours Surcharge for exceeding Approved Hours</p>	<p>\$50 per 2 hours <i>\$25 per hour</i> \$10 per hour \$20</p>	<p>\$75 per 2 hours <i>\$25 per hour</i> \$10 per hour \$20</p>
<p>Sky Meadows "The Meeting House" at Sky Meadows: Accommodates 15 people maximum</p>	<p>\$25 per half-day (Less than 4 hours) \$40 per full-day (Greater than 4 hours)</p>	
<p>Karlan/Wilderness Road (Mansion and Ground Rental) Mansion or Lawn: separately Mansion and Lawn: combined Additional hours beyond scheduled operating hours Exceeding Approved Hours</p>	<p>\$60 for 4 hours \$100 for 4 hours \$10 per hour \$20 per hour</p>	
<p>Cove Ridge Center at Natural Tunnel: A deposit of 30% is required within 10 days of making the reservation. Deposit is refundable up to 14 days in advance of the reservation date.</p>	<p>PRIVATE FEE</p>	<p>EDUCATIONAL FEE</p>
<p><i>Cove Ridge Center Annual Membership: Membership entitles organization to a 25% discount on facility rental fees and group rates on all programming offered through the center.</i></p>	<p>\$1,000 per year</p>	
<p>Exclusive Overnight Use of one dorm: Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorm, swimming (in-season), use of conference AV equipment, guest information and hospitality packet, parking passes.</p>	<p>\$600 per night</p>	<p>\$400 per night</p>
<p>Exclusive Overnight Use of both dorms: Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorms, swimming (in-season), use of conference AV equipment, guest information and hospitality packet, parking passes.</p>	<p>\$800 per night</p>	<p>\$600 per night</p>
<p>Exclusive Day Use: Same as above excluding dorm(s) <i>Wedding Package Day Use: Includes exclusive use of the center for three consecutive rental periods.</i></p>	<p>\$300 per day \$400</p>	<p>\$200 per day</p>
<p><i>Wedding Package Overnight: Includes Day Use Package plus one dorm for one night</i></p>	<p>\$755</p>	
<p><i>Wedding Package Overnight: Includes Day Use Package plus both dorms for one night</i></p>	<p>\$855</p>	
<p>Auditorium (half-day)</p>	<p>\$110</p>	<p>\$80</p>
<p>Classroom – Library (half-day)</p>	<p>\$60</p>	<p>\$30</p>
<p>Dorm (Only) nightly</p>	<p>\$400</p>	<p>\$300</p>
<p>Both Dorms (Only) Nightly</p>	<p>\$500</p>	<p>\$400</p>
<p>Per Person Student Rate for Overnight Dorm Use</p>	<p>\$12.50 per person</p>	<p>\$12.50 per person</p>
<p>Rental of Observation Deck at mouth of tunnel for dinner parties. Includes use of chairlift for transportation of guests and supplies and set-up/take-down of tables and chairs.</p>	<p>\$300 per 4 hours</p>	
<p>Heritage Center at Pocahontas All reservations require 50% down at time of reservation (Nonrefundable within 14 days of event)</p>	<p>PRIVATE FEE</p>	<p>EDUCATIONAL FEE</p>
<p>Exclusive Use Package – Entire Complex (Capacity: 224; includes tables, chairs, deck area, and warming kitchen)</p>	<p>\$200 per 4 hours \$350 per full-day \$40 each extra hour</p>	<p>\$120 per 4 hours \$210 per full-day \$30 each extra hour</p>
<p>Large Room (Capacity: 150; includes tables and chairs)</p>	<p>\$125 per 4 hours \$225 per full-day \$25 each extra hour</p>	<p>\$75 per 4 hours \$135 per full-day \$15 each extra hour</p>
<p>Small Room (Capacity: 75; includes tables and chairs)</p>	<p>\$75 per 4 hours \$100 per full-day \$25 each extra hour</p>	<p>\$40 per 4 hours \$80 per full-day \$15 each extra hour</p>
<p>Board Room (Capacity: 30)</p>	<p>\$50 per 4 hours \$100 per full-day \$20 each extra hour</p>	<p>\$30 per 4 hours \$55 per full-day \$15 each extra hour</p>
<p>Refundable damage deposit in the form of a check made out to: Treasurer of Virginia prior to occupancy.</p>	<p>\$100</p>	<p>\$100</p>
<p>Westmoreland Meeting and Events Facility</p>	<p>\$125 (Up to 6 hours) \$225 (8 a.m. to 10 p.m.)</p>	<p>FEE</p>
<p>Wedding Package - Includes half-day rental for wedding rehearsal, and a full-day rental for wedding/reception</p>	<p>\$300</p>	

Final Regulations

Potomac River Retreat: Table and Chair Set-up	\$40
Fairy Stone	
Fayerdale Hall Meeting Facility	\$125 (Up to 6 hours) \$225 (8 a.m. to 10 p.m.)
Wedding Package - Includes half-day rental for wedding rehearsal, and a full-day rental for wedding/reception.	\$300
Douthat	
Allegheny Room: Up to 60 persons.	\$150 per day
Blue Ridge Room: Up to 20 persons.	\$50 per day
Both Rooms: Same day.	\$175 per day
Wedding Package: Both Conference rooms room and amphitheater (see "amphitheater section") on day of wedding, plus an extra half-day amphitheater for rehearsal.	\$300 \$275
First Landing	
Trail Center Conference Room (Capacity: 45)	\$40 per half-day \$60 per full-day
Lake Anna	
Visitor Center	\$30 per half-day \$50 per full day
Mason Neck	
Wedding Package: 20 foot by 40 foot tent, 250 100 chairs, parking for up to 50 cars	\$750 per event
<i>Parking Attendant</i>	\$50 per 4 hours
Smith Mountain Lake	
Meeting room at Visitor Center	\$150 per day
Equipment and Services Associated with Meetings and Rentals:	
Microphone/Podium Rental	\$15 per day
Linen Rentals:	
Table cloth and napkins per table	\$5 per table
<i>Table cloth only</i>	\$3.00 per table
Place settings	\$2.00 each
<i>Twin Lakes:</i>	
<i>Overlay</i>	\$1.25 per table
<i>Napkins</i>	\$0.40 per napkin
Fax	First 2 pages free \$2.00 each extra page
Copies	Single copy free \$0.15 each extra copy
<i>Lost Key Fee</i>	\$5.00
Easels	\$5.00 per day
Overhead Projector	\$10 per day
TV with VCR	\$10
Second TV	\$10
Overhead Projector with Screen	\$10
Slide Projector with Screen	\$10
Flip Chart	\$10

Notes on conference and meeting facilities fees:

4- Conference and meeting facilities require a 25% prepayment due 10 days prior to the first date of the reservation *after making reservation*, and payment of the full balance prior to or on the first day of the reservation. Cancellations made 14 or more days prior to the first day of the reservation shall be charged the lesser of 10% of the total fee or \$100. Cancellations made less than 14 days prior to the first date of the reservation shall be charged 30% of the total fee.

4 VAC 5-36-220. Administrative and processing fees.

<i>Returned Check Fee</i>	\$35
<i>Special Use Application Fee: Special use Permits, issued by the park, are required for special events, collecting permits, and unusual usage of the park that may interfere with other park visitors, place special demands on park resources, or create unusual risk. The fee is nonrefundable.</i>	\$10
<i>Replacement fee for annual pass: no replacement fee required for Golden Disability</i>	\$10

Pass.

*Handicapped Visitor Motorized Vehicle Annual Pass Processing Fee: New River Trail. \$25
Applies to specially permitted handicapped vehicles and transportation devices allowed within the park. Fifteen dollars of the processing fee is refundable if permit is denied.*

VA.R. Doc. No. R03-161; Filed March 27, 2003, 1:41 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

REGISTRAR'S NOTICE: The following regulation filed by the Commonwealth Transportation Board is exempt from the Administrative Process Act in accordance with § 2.2-4002 B 3 of the Code of Virginia, which exempts regulations relating to the location, design, specifications or construction of public buildings or other facilities.

Title of Regulation: 24 VAC 30-380. Public Hearings for the Location and Design of Highway Construction Projects (amending 24 VAC 30-380-10).

Statutory Authority: §§ 33.1-12 and 33.1-18 of the Code of Virginia.

Effective Date: February 12, 2004.

Agency Contact: David L. Roberts, Policy and Planning Specialist II, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-3620, FAX (804) 225-4700 or e-mail David.Roberts@VirginiaDOT.org.

Summary:

The amendments consolidate the types of public hearings required for projects on the interstate, primary, urban, or secondary systems of the state highways. This action is intended to improve the understandability of the requirements, since the same criteria apply, regardless of the system involved. The provision allowing waivers to the public hearing requirements is eliminated. These changes are intended to improve the ability of users to understand the regulation, strengthen VDOT's commitment to soliciting public input on its construction projects, and eliminate any loopholes to this underlying commitment.

24 VAC 30-380-10. Policy, rules, and exclusions from the public hearing process.

A. A public hearing held pursuant to § 33.1-18 of the Code of Virginia is a well-publicized opportunity for VDOT to present its studies and policies while receiving and documenting comments from affected citizens. Such hearings will be held in compliance with § 51.5-40 of the Code of Virginia relating to participation by the disabled in state programs or activities.

B. In the development of any project, VDOT shall consider a wide range of factors, and shall allow full opportunity for consideration and participation by public and private interests before final approval of highway locations and designs.

C. These are the rules that apply to the implementation of the policy.

1. A notice to hold a public hearing or the willingness to hold a public hearing must be stated in public advertisement.
2. All public hearings should be scheduled approximately 60 days in advance. Advertisements must appear 30 days prior to the hearing.
3. The public involvement process must be held in accordance with applicable federal and state statutes, including 23 USC § 128, 23 CFR Part 771, and 40 CFR Parts 1500-1508, and the provisions of the VDOT Public Involvement Policy and Procedure Manual, issued 1999.
4. The publication of a willingness to hold a location public hearing, design public hearing, or a combined public hearing will satisfy any public hearing requirements.

~~D. The following table lists project categories and the type of public hearing usually held for interstate, primary, urban, and secondary systems:~~

if the system is...	and it concerns...	then use this process...
Interstate	bypasses of cities or towns projects having substantially different social, economic or environmental effect	a location public hearing followed by a design public hearing.
	projects in areas where there is not an unusual amount of public interest projects in areas of an unusual amount of public interest (such as development of an all multi-lane highway requiring additional right of way) all other projects	a combined location and design public hearing.

Final Regulations

Primary	bypasses of cities or towns projects involving route relocation projects having substantially different social, economic, or environmental effect	a location public hearing followed by a design public hearing.
	projects in areas where there is not an unusual amount of public interest projects in areas of an unusual amount of public interest (such as development of an all multi-lane highway requiring additional right-of-way) all other projects	a combined location and design public hearing.
Urban	projects involving relocation projects having substantially different social, economic, or environmental effect	a location public hearing followed by a design public hearing.
	all other projects	a combined location and design public hearing.
Secondary	projects in areas of an unusual amount of public interest	a location public hearing followed by a design public hearing or a combined location and design public hearing.
	all other projects	a combined location and design public hearing.

D. If the system is interstate, primary, urban, or secondary, the following types of hearings will be held for the following project categories:

1. Projects on proposed roadway corridors, which are predominantly or completely on new location, require a location public hearing followed by a design public hearing.
2. Projects with work within the existing corridor, but with a portion of the work on new location, require a combined location and design public hearing.
3. Projects within the existing roadway corridor, but that have a significant social, economic or environmental impact, require a design public hearing.
4. Projects within the existing roadway corridor where insignificant public interest or environmental impacts, or both, are anticipated require a combined location and design public hearing or a posting of willingness to hold a combined location and design public hearing.

E. Exclusions from the public hearing process.

1. Hearing processes are not required for those projects that are solely for such improvements as: resurfacing; widening existing lanes within existing right of way; adding auxiliary lanes within existing right of way; replacing existing grade separation structures within

~~existing right of way; installing traffic control devices; Hazard Elimination Safety (HES) funded projects; and State Traffic Operations Safety Improvement Projects (STOSIP); emergency projects, as well as those that are solely for highway maintenance or operational improvements, or both, except when they:~~

- a. Require the acquisition of additional right of way;
- b. Would have an unfavorable effect upon abutting real property; or
- c. Would change the layout or function of connecting roads or streets of the facility being improved.

~~2. Public hearings on certain projects may be waived, unless the project: requires the acquisition of additional right of way; would have an adverse effect upon abutting real property; or would change the layout or function of connecting roads or streets of the facility being improved. The appropriate district administrator must recommend the waiver, and the State Location and Design Engineer must approve it.~~

~~3. 2. Concurrence by the Federal Highway Administration (FHWA) must be secured on projects receiving federal participation for any phase, except emergency situations.~~

VA.R. Doc. No. R04-112; Filed February 12, 2004, 2:58 p.m.

FAST-TRACK REGULATIONS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Notice of Objection to Fast-Track Rulemaking

REGISTRAR'S NOTICE: Pursuant to § 2.2-4012.1 of the Code of Virginia, the Board of Dentistry has filed a notice of objection to the amendments published in 20:9 VA.R. 902-904 January 12, 2004. The board intends to proceed with the normal promulgation process set out in Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of the Administrative Process Act with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Title of Regulation: 18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-50).

Fast-Track Publication Date: 20:9 VA.R. 902-904 January 12, 2004.

The Virginia Board of Dentistry is hereby filing a Notice of Objection to the fast-track rulemaking for 18 VAC 60-20-50, Regulations Governing the Practice of Dentistry and Dental Hygiene. The proposed fast-track regulation was published in Volume 20, Issue 9, page 902 of the Virginia Register of Regulations, dated January 12, 2004. A 60-day comment period was provided with public comment to be received until March 13, 2004.

The fast-track regulation was intended to limit the number of continuing education hours that could be obtained through home-study or on-line courses to five of the 15 hours required for annual renewal of licensure. The board has received more than the requisite number of 10 objections to the fast-track regulation. Therefore, it is terminating the fast-track process and will consider promulgation of this regulation under the Administrative Process Act, utilizing the fast-track notice as its notice of intended regulatory action.

The board will continue to receive public comment through March 13, 2004, and will consider all submissions as comment on the notice of intent prior to its meeting on April 9, 2004. The amendments published in 20:9 VA.R. 902-904 January 12, 2004, will not take effect on April 1, 2004.

Agency Contact: Elaine Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, or e-mail elaine.yeatts@dhp.state.va.us.

VA.R. Doc. No. R04-61; Filed February 17, 2004, 8:31 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 62 (2004)

DECLARATION OF A STATE OF EMERGENCY IN THE COMMONWEALTH OF VIRGINIA TO EXPAND HOURS FOR UTILITY SERVICE RESTORATION WORKERS

The health and general welfare of the citizens of the Commonwealth require that state action be taken to alleviate federal limitations recently placed on the hours of service of employees who restore power or telephone outages or deliver home heating fuels of power providers. New rules of the U. S. Department of Transportation (49 CFR 395) that became effective January 4, 2004, limit the ability of utilities, including but not limited to power and telephone providers, and carriers transporting home heating fuels (including kerosene, propane, and other petroleum fuels) to respond to emergencies and urgent needs caused by severe weather or other emergency conditions. Although federal action could remedy this condition, such action is not imminent. The extremely cold temperatures Virginia is currently experiencing threaten the safety of our citizens and heighten the urgency of this action. I find that the regulatory limitations on drivers to respond to the needs for immediate or prolonged power and telephone restoration and home heating re-supply activities constitutes a natural disaster wherein human life and public and private property are imperiled, as described in § 44-75.1.A.4 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued January 16, 2004, wherein I proclaimed that a state of emergency exists throughout the Commonwealth and directed that appropriate assistance be rendered by agencies of both state and local governments to prevent and alleviate power, telephone and heating emergencies.

In order to marshal all public resources to meet this threat and prevent its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The authorization of the Departments of State Police, Transportation and Motor Vehicles to exempt certain carriers from limitations of the "hours of service" rules set out in federal regulations. This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purposes of restoring power or telephone service or delivering home heating fuels, pursuant to § 52-8.4 of the Code of Virginia.

B. These exemptions to the hours worked by carriers shall be retroactive to January 4, 2004 and remain in effect through February 15, 2004 or whenever the crisis has abated, whichever is sooner.

This Executive Order shall remain in full force and effect until February 15, 2004, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 16th day of January 2004.

/s/ Mark R. Warner
Governor

VA.R. Doc. No. R04-113; Filed February 17, 2004, 10:06 a.m.

EXECUTIVE ORDER NUMBER 63 (2004)

ESTABLISHING THE GOVERNOR'S COMMISSION ON HIGHER EDUCATION BOARD MEMBERS

The Commonwealth of Virginia is justifiably proud of its outstanding system of higher education. The hard work and dedication of the citizen boards that govern our higher education institutions has been an important part of their success. It is critical to the future success of higher education that we have governing bodies that are inclusive and reflect the diversity of our students, our professors, and our Commonwealth. To achieve our goal of having one of the best systems of higher education in the world, it is vitally important that members of higher education governing boards are selected based on merit, experience, sound judgment, and proven leadership.

By virtue of the authority vested in me under Article V of the Constitution of Virginia, and by § 2.2-134 of the Code of Virginia, I hereby establish the Governor's Commission on Higher Education Board Members (the "Commission").

The Commission is classified as a gubernatorial advisory commission in accordance with § 2.2-134, 2.2-135, and 2.2-2100 of the Code of Virginia. The purpose of this Commission shall be to review, evaluate, and recommend potential appointees to the governing bodies of Virginia's institutions of higher education, the Virginia Community College Board, and the State Council of Higher Education in Virginia.

The Commission shall have seven members appointed by the Governor and serving at his pleasure. Two of the members shall be former members of Boards of Visitors of Virginia public institutions of higher education or the State Board for Community Colleges. One member shall be a former College or University President, a former Provost, or a former Executive Vice-President of a Virginia public institution of higher education. In addition, the Secretary of Education and the Secretary of the Commonwealth shall serve as non-voting ex-officio members of the Commission. Members of the Commission shall serve without compensation.

The Commission shall develop and implement a process for evaluating potential appointees to higher education governing boards based on substantive qualifications such as merit and experience. The Commission also shall make other recommendations to the Governor as may be appropriate.

The Commission shall make its recommendations to the Governor at least 30 days prior to the expiration of the term for which the Commission is making the recommendations. The Office of the Secretary of the Commonwealth shall provide to the members of the Commission copies of resumes and correspondence it receives related to the relevant board appointments.

Such staff support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Secretary of the Commonwealth, with support from the Office of the Secretary of Education and such other executive agencies as the Governor may designate. An estimated 1,000 hours of staff time will be required to support the commission.

Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by § 2.2-135(B) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be \$7,500.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until January 18, 2005, unless amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of January, 2004.

/s/ Mark R. Warner
Governor

VA.R. Doc. No. R04-114; Filed February 17, 2004, 10:06 a.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Approved Field Tests for Detection of Drugs

In accordance with 6 VAC 20-220-60 of the Regulations for the Approval of Field Tests for Detection of Drugs and under the authority of the Code of Virginia, the following field tests for detection of drugs are approved field tests:

ODV Incorporated
Post Office Box 305
South Paris, Maine 04281

ODV NarcoPouch

Drug or Drug Type

Heroin
Amphetamine
Methamphetamine
3,4-Methylenedioxy-methamphetamine (MDMA)
Cocaine Hydrochloride
Cocaine Base
Barbiturates
Lysergic Acid Diethylamide (LSD)
Marijuana
Hashish Oil
Marijuana
Hashish Oil
Phencyclidine (PCP)
Heroin
Methamphetamine
3,4-Methylenedioxy-methamphetamine (MDMA)
Heroin
Diazepam
Ketamine
Ephedrine
gamma – Hydroxybutyrate (GHB)

ODV NarcoTest

Drug or Drug Type

Heroin
Amphetamine
Methamphetamine
3,4-Methylenedioxy-methamphetamine (MDMA)
Barbiturates
Lysergic Acid Diethylamide (LSD)
Marijuana
Hashish Oil
Marijuana
Hashish Oil
Cocaine Hydrochloride
Cocaine Base
Phencyclidine (PCP)
Heroin
Methamphetamine
3,4-Methylenedioxy-methamphetamine (MDMA)
Heroin
Diazepam
Ketamine
Ephedrine
gamma – Hydroxybutyrate (GHB)

Manufacturer's Field Test

902 – Marquis Reagent
902 – Marquis Reagent
902 – Marquis Reagent
902 – Marquis Reagent
904B – Cocaine HCl and Base Reagent
904B – Cocaine HCl and Base Reagent
905 – Dille-Koppanyi Reagent
907 – Ehrlich's (Modified) Reagent
908 – Duquenois – Levine Reagent
908 – Duquenois – Levine Reagent
909 – K N Reagent
909 – K N Reagent
914 – PCP Methaqualone Reagent
922 – Opiates Reagent
923 – Methamphetamine/Ecstasy Reagent
923 – Methamphetamine/Ecstasy Reagent
924 – Mecke's (Modified) Reagent
925 – Valium/Ketamine Reagent
925 – Valium/Ketamine Reagent
927 – Ephedrine Reagent
928 – GHB Reagent

Manufacturer's Field Test

7602 – Marquis Reagent
7602 – Marquis Reagent
7602 – Marquis Reagent
7602 – Marquis Reagent
7605 – Dille-Koppanyi Reagent
7607 – Ehrlich's (Modified) Reagent
7608 – Duquenois – Levine Reagent
7608 – Duquenois – Levine Reagent
7609 – K N Reagent
7609 – K N Reagent
7613 – Scott (Modified) Reagent
7613 – Scott (Modified) Reagent
7614 – PCP Methaqualone Reagent
7622 – Opiates Reagent
7623 – Methamphetamine/Ecstasy Reagent
7623 – Methamphetamine/Ecstasy Reagent
7624 – Mecke's Reagent
7625 – Valium/Ketamine Reagent
7625 – Valium/Ketamine Reagent
7627 – Chen's Reagent - Ephedrine
7628 – GHB Reagent

Sirchie Fingerprint Laboratories
 100 Hunter Place
 Youngsville, North Carolina 27596

NARK

<u>Drug or Drug Type</u>	<u>Manufacturer's Field Test</u>
Narcotic Alkaloids	1 – Mayer's Reagent
Heroin	1 – Mayer's Reagent
Morphine	1 – Mayer's Reagent
Amphetamine	1 – Mayer's Reagent
Methamphetamine	1 – Mayer's Reagent
Opium Alkaloids	2 – Marquis Reagent
Heroin	2 – Marquis Reagent
Morphine	2 – Marquis Reagent
Amphetamine	2 – Marquis Reagent
Methamphetamine	2 – Marquis Reagent
3,4–Methylenedioxy-methamphetamine (MDMA)	2 – Marquis Reagent
Meperidine (Demerol) (Pethidine)	2 – Marquis Reagent
Heroin	3 – Nitric Acid
Morphine	3 – Nitric Acid
Cocaine Hydrochloride	4 – Cobalt Thiocyanate Reagent
Cocaine Base	4 – Cobalt Thiocyanate Reagent
Procaine	4 – Cobalt Thiocyanate Reagent
Tetracaine	4 – Cobalt Thiocyanate Reagent
Barbiturates	5 – Dille-Koppanyi Reagent
Heroin	6 – Mandelin Reagent
Morphine	6 – Mandelin Reagent
Amphetamine	6 – Mandelin Reagent
Methamphetamine	6 – Mandelin Reagent
Lysergic Acid Diethylamide (LSD)	7 – Ehrlich's Reagent
Marijuana	8 – Duquenois – Levine Reagent
Hashish	8 – Duquenois – Levine Reagent
Hashish Oil	8 – Duquenois – Levine Reagent
Tetrahydrocannabinol (THC)	8 – Duquenois – Levine Reagent
Marijuana	9 – NDB (Fast Blue B Salt) Reagent
Hashish	9 – NDB (Fast Blue B Salt) Reagent
Hashish Oil	9 – NDB (Fast Blue B Salt) Reagent
Tetrahydrocannabinol (THC)	9 – NDB (Fast Blue B Salt) Reagent
Cocaine Base	13 – Cobalt Thiocyanate/Crack Test

NARK II

<u>Drug or Drug Type</u>	<u>Manufacturer's Field Test</u>
Narcotic Alkaloids	01 – Mayer's Reagent
Heroin	01 – Mayer's Reagent
Morphine	01 – Mayer's Reagent
Amphetamine	01 – Mayer's Reagent
Methamphetamine	01 – Mayer's Reagent
3,4 – Methylenedioxymethamphetamine	01 – Mayer's Reagent
Opiates	02 – Marquis Reagent
Heroin	02 – Marquis Reagent
Morphine	02 – Marquis Reagent
Amphetamine	02 – Marquis Reagent
Methamphetamine	02 – Marquis Reagent
Meperidine (Demerol) (Pethidine)	02 – Marquis Reagent
Barbiturates	03 – Dille-Koppanyi Reagent
Lysergic Acid Diethylamide (LSD)	04 – Ehrlich's Reagent
Marijuana	05 – Duquenois – Levine Reagent
Hashish	05 – Duquenois – Levine Reagent
Hashish Oil	05 – Duquenois – Levine Reagent

General Notices/Errata

Tetrahydrocannabinol (THC)

Cocaine Hydrochloride

Cocaine Base

Phencyclidine (PCP)

Opiates

Heroin

Morphine

Heroin

3,4 – Methylenedioxy-methamphetamine

Pentazocine

Ephedrine

Diazepam

Methamphetamine

05 – Duquenois – Levine Reagent

07 – Scott's (Modified) Reagent

07 – Scott's (Modified) Reagent

09 – Phencyclidine Reagent

10 – Opiates Reagent

10 – Opiates Reagent

10 – Opiates Reagent

11 – Mecke's Reagent

11 – Mecke's Reagent

12 – Talwin/ Pentazocine Reagent

13 – Ephedrine Reagent

14 – Valium Reagent

15 – Methamphetamine (Secondary Amines) Reagent

The above list supersedes all previously published lists.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) for Bluestone River

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the draft Total Maximum Daily Load (TMDL) Report for Bluestone River. The stream was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for bacteria. The 2002 303(d) List modified the Bluestone River impairment to reflect further data, which extended the segment length and added two impairments, the General Standard for Benthics and PCBs in fish tissue.

The final public meeting to present the draft TMDL report addressing the benthic and bacteria impairments for Bluestone River will be held on Thursday, March 18, 2004, 6 p.m. at the Virginia Avenue United Methodist Church Fellowship Hall in Bluefield, Virginia. The church is located at 1901 Virginia Avenue in Bluefield, Virginia. Additionally, from 3 p.m. to 4:30 p.m. on Thursday, March 18, 2004, at the Virginia Avenue United Methodist Church, there will be an informal meeting about the Bluestone River PCB impairment.

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.

Bluestone River is located in Tazewell County and flows through Bluefield, Virginia. The impaired segment is approximately 13.2-miles long. It begins upstream at the Route 460 bridge and continues to the West Virginia /Virginia state line.

The public comment period will end on April 18, 2004. The draft TMDL report will be available to the public on March 18, 2004. This document is available upon request or can be viewed at the DEQ website: <http://www.deq.state.va.us/tmdl/>. Questions or information requests should be addressed to Nancy T. Norton, P. E. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Nancy T. Norton, P. E., Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4807, FAX (276) 676-4899, or e-mail ntnorton@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) in the Cedar Run 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 two bacteria impairments in the Cedar Run 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 standard for fecal coliform bacteria.

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

The impaired stream segments are located in Fauquier and Prince William Counties. The subject stream segments include an approximately 6.6-mile segment of Licking Run extending from the mouth of Germantown Lake northwest of Route 28 to the confluence with Cedar Run southwest of Route 806, and an approximately 28.2-mile segment of Cedar Run extending from the confluence with Mill Run west of Vowles Mill Road to the confluence with the Occoquan River northeast of Route 619.

The third of three public meetings on the development of the Cedar and Licking Run bacteria TMDLs will be held on Tuesday, March 23, 2004, at 7 p.m. at the H.M. Pearson Elementary School, located at 9347 Bastable Mill Road (Route 603) in Calverton, Virginia.

The public comment period on this final phase of TMDL development will begin on March 23, 2004, and end on April 21, 2004. A fact sheet on the development of the TMDLs for the bacteria impairments in the Cedar Run Watershed is available upon request. Questions or information requests should be addressed to Katherine Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kebennett@deq.state.va.us.

Total Maximum Daily Load (TMDL) for an Unnamed Tributary (UT) to the Chickahominy River

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for an Unnamed Tributary (UT) to the Chickahominy River located near the intersection of I-295 and Rt. 33 in Hanover County. The subject stream segment (1.49 miles) is 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 benthics.

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 UT to the Chickahominy River TMDL will be held on Wednesday, March 17, 2004, at 7 p.m. at the DEQ Piedmont Regional Office at 4949-A Cox Road, Glen Allen, VA. The building is located on Cox Road approximately 1/2 mile north of the intersection of Nuckols Road, in Glen Allen, Virginia. Turn right into the DEQ parking area. Enter the building through the third door from the street. Further directions to the Piedmont Regional Office are available at

<http://www.deq.state.va.us/regions/piedmont.html>.

The public comment period for this phase of the TMDL development will end on April 16, 2004. Information pertaining to TMDL development is available upon request or can be found on the DEQ's web site at <http://www.deq.state.va.us/TMDL>. Written comments should include the name, address, and telephone number of the person submitting the comments. Questions or information requests should be addressed to Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or e-mail rcfrench@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Hawksbill Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Hawksbill Creek. This stream is listed on the 1996 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for bacteria. The Hawksbill Creek stream segment is located in Page County. It is 19.3 miles in length and begins at the headwaters and continues to the confluence with the South 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 this TMDL will be held on Thursday, March 18, 2004, at 7 p.m. at the Page

County Circuit Court Room, 116 South Court Street, Luray, VA 22835.

A copy of the draft TMDL report addressing the Hawksbill Creek impairment will be available for review on or before March 18, 2004, on the DEQ website at <http://www.deq.state.va.us/tmdl/tmdl/rpts.html>. The public comment period for the draft report and the meeting will end on April 17, 2004. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail rbrent@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Looney Creek

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for bacteria on an approximate 2.48-mile segment of Looney Creek. The Looney Creek impaired segment is located in Botetourt County. The impairment begins at the Back and Mill Creek confluence and ends 2.48 miles downstream at the James River confluence. Looney Creek is identified in Virginia's 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria.

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

A public meeting on the development of the Looney Creek bacteria TMDL will be held on Tuesday, March 16, 2004, at 7 p.m. in the Council Meeting Chambers at the Buchanan Town Hall located at 19753 Main Street, in Buchanan, Virginia.

The public comment period will begin on March 16, 2004, and end on April 16, 2004. A fact sheet on the development of the TMDL for bacteria on Looney Creek is available upon request. Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Hill, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, or e-mail jrhil@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) for Peak Creek, Back Creek, and Crab Creek

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of Total Maximum Daily Load (TMDL) studies for Peak Creek, Back Creek, and Crab Creek. Peak Creek, Back Creek, and Crab Creek are identified in Virginia's 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria and the General Standard (Benthic). The Peak Creek segment is located in Pulaski County. The impairment is approximately 4.46 miles in

General Notices/Errata

length and begins near the Washington Avenue Bridge and ends at the backwaters of the Peak Creek arm of Claytor Lake. The Back Creek segment is located in Pulaski County. The impairment is approximately 16.37 miles in length and begins a mile above the Route 636 bridge and ends at the confluence with the New River. The Crab Creek segment is located in Montgomery County. The impairment is approximately 10.46 miles in length and begins at the headwaters (above Christiansburg) and continues down to the confluence with the New 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 Peak Creek, Back Creek, and Crab Creek TMDL studies will be held on Wednesday, March 17, 2004, at 6 p.m. at the New River Valley Competitiveness Center located at 6580 Valley Center Drive in Radford, Virginia.

The public comment period for this phase of the TMDL development will begin on March 17, 2004, end on April 17, 2004. A fact sheet on the development of the TMDL is available upon request. Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Hill, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, or e-mail jrhill@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Reed Creek

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for bacteria on an approximate 12.27-mile segment of Reed Creek. The Reed Creek impaired segment is located in Bedford County. The impairment begins at the headwaters in Jefferson National Forest and ends 12.27 miles downstream at the James River confluence. Reed Creek is identified in Virginia's 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria.

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

A public meeting on the development of the Reed Creek bacteria TMDL will be held on Thursday, March 18, 2004, at 7 p.m. in the Blue Room at the Sedalia Center located at 1108 Sedalia School Road, in Sedalia, Virginia.

The public comment period will begin on March 18, 2004, and end on April 18, 2004. A fact sheet on the development of the TMDL for bacteria on Reed Creek is available upon request. Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Hill, Department of

Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, or e-mail jrhill@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Roses Creek

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of Total Maximum Daily Load (TMDLs) for Roses Creek in Brunswick County. 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 and benthics. The Roses Creek bacteria TMDL addresses a 9.85-mile segment from Alberta to the mouth at Great Creek. The benthic TMDL addresses a 3.02-mile segment from Alberta downstream to Route 646. These TMDLs will determine the amount of bacteria, nutrients and solids that Roses Creek may contain and still maintain water quality standards.

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 meeting will be on Monday, March 15, 2004 at 7 p.m., in the Municipal Office Council Chambers at 400 N Main Street in Lawrenceville, Virginia. The building is located on the corner of Rt. 46 and Rt. 56 Business. Parking is available in the back of the building.

The public comment period for this final phase of the TMDL development will end on April 14, 2004. Information pertaining to TMDL development is available upon request or can be found on the DEQ's web site at <http://www.deq.state.va.us/TMDL>. Written comments should include the name, address, and telephone number of the person submitting the comments. Questions or information requests should be addressed to Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or e-mail rcfrench@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) for Smith Creek

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) for Smith Creek. This stream is listed on the 1996 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for bacteria and the General Standard (Benthics). The Smith Creek stream segment is located in Rockingham and Shenandoah Counties. It is 31.18 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 these TMDLs will be held on Monday, March 15, 2004, 7 p.m. at the Tenth Legion Ruritan Hall, Tenth Legion, Virginia. From I-81 take the Mauzy Exit. Take Rt. 11 N and turn right onto Mauzy-Athlone Rd. The Ruritan Hall is approximately 1/2 mile on the left.

A copy of the draft TMDL report addressing the Smith Creek impairments will be available for review on or before March 15, 2004, on the DEQ website at <http://www.deq.state.va.us/tmdl/tmdlrpts.html>. The public comment period for the draft report and the meeting will end on April 14, 2004. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail rbrent@deq.state.va.us.

STATE LOTTERY DEPARTMENT

Director's Order Number Six (04)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on February 13, 2004:

Game 236	Card Shark
Game 237	Rock Paper Scissors
Game 238	Lucky Break
Game 245	Silver Dollars
Game 254	Count de Money
Game 261	Holiday Critters
Game 320	Bonus Number Bingo
Game 519	Wild Money
Game 522	75 Grand
Game 524	Lucky Shuffle
Game 545	Looking for More Green
Game 554	Bank Roll
Game 559	Double Blackjack
Game 539	Frankencash
Game 583	Holiday Tripler
Game 584	Jingle Bucks

The last day for lottery retailers to return for credit unsold tickets from any of these games will be March 19, 2004. The last day to redeem winning tickets for any of these games will be August 11, 2004, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a postmark of the United States Postal Service or another sovereign nation of August 11, 2004, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of lottery games.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may

be requested by mail by writing to Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, VA 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Frank S. Ferguson, General Counsel and
Director of Legislative and Regulatory Affairs
February 3, 2004

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
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **9 VAC 5-140. Regulation for Emissions Trading (Rev H02).**

Publication: 20:12 VA.R. 1504 February 23, 2004.

Correction to Final Regulation:

Page 1504, change effective date to "March 24, 2004"

General Notices/Errata

STATE CORPORATION COMMISSION

Title of Regulation: **20 VAC 5-10. Rules Governing Utility Customer Deposit Requirements.**

Publication: 20:10 VA.R. 1042-1044 January 26, 2004.

Correction to Final Regulation:

Page 1042, change effective date to "December 23, 2003"

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Title of Regulation: **18 VAC 120-10. Public Participation Guidelines.**

Publication: 20:11 VA.R. 1207-1209 February 9, 2004.

Correction to Fast-Track Regulation:

Page 1208, 18 VAC 120-10-100, in the definition of "Notification lists," lines 1 and 4, change "board" to "agency"

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† **May 6, 2004 - 10 a.m.** -- Open Meeting
Holiday Inn-Richmond, 6531 West Broad Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business matters including complaint cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at (804) 367-8505 or TDD (804) 367-9753 at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

March 18, 2004 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Boardroom, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia agriculture and consumer services, potentially to include a discussion of certain regulations.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail jknight@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Agricultural Council

† **March 22, 2004 - 8:30 a.m.** -- Open Meeting
† **March 23, 2004 - 8 a.m.** -- Open Meeting
Holiday Inn, 1200 Fifth 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☎, e-mail tyates@vdacs.state.va.us.

Virginia State Apple Board


March 9, 2004 - 9:30 a.m. -- Open Meeting
Holiday Inn Select, Koger Center, 1021 Koger Center Boulevard, Richmond, Virginia.♿

The board will meet to approve the minutes of the meeting held on January 22, 2004. In addition, the board will 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 Dave Robishaw at least five days before the meeting date so that suitable arrangements can be made.

Calendar of Events

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 Bright Flue-Cured Tobacco Board

March 11, 2004 - 9:30 a.m. -- Open Meeting
Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia. 

A meeting 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 FY04-05 approved. During the meeting, the board will consider funding proposals for research, promotion, and education projects pertaining to the Virginia flue-cured tobacco industry. Other business that may come before the board will be considered. 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 D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

Contact: D. Stanley Duffer, Board Secretary, Virginia Bright Flue-Cured Tobacco Board, P.O. Box 129, Halifax, VA 24558, telephone (434) 572-4568, FAX (434) 572-8234.


Virginia Cotton Board

March 9, 2004 - 9:30 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&SU, VSU, and other groups for the year 2004-2005. During the meeting financial reports and minutes of the board's last meeting 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

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 or e-mail gmilteer@vdacs.state.va.us.

Virginia Dark-Fired Tobacco Board


† March 24, 2004 - 10 a.m. -- Open Meeting
Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia. 

A meeting 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 FY04-05 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 D. Stanley Duffer 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.


Virginia Horse Industry Board

† April 1, 2004 - 10 a.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. 

A meeting to review the minutes of the last meeting, its current financial statement, and promotional plans for the coming year. The board will also review grant proposals submitted for FY 2004-2005. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 786-3122.


Virginia Marine Products Board

† March 30, 2004 - 6 p.m. -- Open Meeting
Dolphin Cove Restaurant, Route 17, Gloucester, Virginia. 

A meeting to consider minutes of the previous board meeting, review the board's financial statement, and 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 Peanut Board

† March 19, 2004 - 2 p.m. -- Open Meeting
Tidewater Agricultural Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. 

A meeting to review the peanut research projects for possible funding 2004. The minutes of the last meeting will be heard and approved. The board's financial statement will

be reviewed. 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 Thomas R. Cotton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Thomas R. (Dell) Cotton, Jr., Program Director, Virginia Peanut Board, 1001 Campbell Ave., P.O. Box 59, telephone (757) 569-0249, FAX (757) 562-0744.

Virginia Soybean Board

March 11, 2004 - 8 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ♿

The board will discuss checkoff revenues resulting from sales of the 2003 soybean crop and approve previous meeting minutes. The board will hear project reports for FY 2003-2004 and project proposals for FY 2004-2005. Funding decisions will be made for the fiscal year beginning July 1, 2004. 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: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

March 8, 2004 - 9 a.m. -- Open Meeting
March 22, 2004 - 9 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A meeting of the executive staff to receive and discuss 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., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, e-mail wccolen@abc.state.va.us.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

March 23, 2004 - 10 a.m. -- Canceled
† **June 8, 2004 - 10 a.m.** -- Open Meeting
Ratcliffe Building, 1602 Rolling Hills Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **April 26, 2004 - 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 business meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 554-3402, (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 11, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the full board. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. 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 an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive 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 APELSCIDLA@dpor.state.virginia.gov.

March 11, 2004 - 9 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿


April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to amend regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**. The purpose of the proposed action is to adjust fees as necessary in accordance with § 54.1-113 of the Code of Virginia (Callahan Act). Any other changes that may be necessary may also be considered.

Statutory Authority: §§ 54.1-113, 54.1-201, 54.1-404 and 54.1-411 C of the Code of Virginia.

Contact: Mark N. Courtney, 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 or e-mail APELSCIDLA@dpor.virginia.gov.

Calendar of Events

† **March 11, 2004 - 2 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

A meeting to conduct an informal fact-finding conference.

Contact: Mark N. Courtney, Executive 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 APELSCIDLA@dpor.state.va.us.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designs and Landscape Architects intends to amend regulations entitled **18 VAC 10-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify existing public participation guidelines.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

April 2, 2004 - 10 a.m. -- Open Meeting

May 7, 2004 - 10 a.m. -- Open Meeting

† **June 4, 2004 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. 

A monthly meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA Chairman, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, toll free (804) 786-6152, or e-mail rford@comarchs.com.


VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

April 9, 2004 - 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 Board for Asbestos, Lead, and Home Inspectors intends to amend regulations entitled **18 VAC 15-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify existing public participation guidelines.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

May 19, 2004 - 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, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail asbestos@dpor.virginia.gov.

AUCTIONEERS BOARD

April 9, 2004 - 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 Auctioneers Board intends to amend regulations entitled **18 VAC 25-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify the existing regulation by specifying that the term "agency" refers to the board; clarifying that, in addition to a person, an organization may file a petition for rulemaking; and excepting fast-track rulemaking from the applicability of certain provisions of the public participation guidelines.

Statutory Authority: §§ 2.2-4007 and 54.1-602 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

March 13, 2004 - 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 Audiology and Speech-Language Pathology intends to amend regulations entitled **18 VAC 30-20, Regulations of the Board of Audiology and Speech-Language Pathology**. The purpose of the proposed action is to increase certain fees related to applications and renewal of licensure and change from a biennial renewal to an annual renewal.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until March 13, 2004, to Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Agency 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 FOR BARBERS AND COSMETOLOGY

April 9, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Barbers and Cosmetology intends to amend regulations entitled **18 VAC 41-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify the existing regulation by specifying that the term "agency" refers to the board; clarifying that, in addition to a person, an organization may file a petition for rulemaking; and excepting fast-track rulemaking from the applicability of certain provisions of the public participation guidelines.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

April 19, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barberscosmo@dpor.virginia.gov.


BOARD FOR THE BLIND AND VISION IMPAIRED


April 13, 2004 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting to review information regarding Department for the Blind and Vision Impaired activities and operations, review expenditures from the board endowment fund, and discuss other issues raised for the board members.


Contact: Kathy C. Proffitt, Administrative Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail proffikc@dbvi.state.va.us


DEPARTMENT FOR THE BLIND AND VISION IMPAIRED


March 10, 2004 - 4 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, 111 Commonwealth Avenue, Bristol, Virginia. 
(Interpreter for the deaf provided upon request)

Department for the Blind and Vision Impaired, 11150 Main Street, Suite 502, Fairfax, Virginia. 
(Interpreter for the deaf provided upon request)

Department for the Blind and Vision Impaired, 5505 Robin Hood Road, Suite F, Norfolk, Virginia. 
(Interpreter for the deaf provided upon request)

Department for the Blind and Vision Impaired, 397 Azalea Avenue, Room I/II, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


Department for the Blind and Vision Impaired, 210 Church Avenue, SW, Suite 308, Roanoke, Virginia. 
(Interpreter for the deaf provided upon request)

Department for the Blind and Vision Impaired, 620 East Beverly Street, Staunton, Virginia. 
(Interpreter for the deaf provided upon request)

A public meeting to solicit comments from the public regarding the Department for the Blind and Vision Impaired's intent to amend its state plan for vocational rehabilitation (VR) to identify by category the order in which eligible VR clients will be served in the event resources are not available to serve all eligible VR clients.

Contact: James G. Taylor, Chief Deputy Commissioner, 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.

Statewide Rehabilitation Council for the Blind and Vision Impaired

March 13, 2004 - 10 a.m. -- Open Meeting
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond VA 23227 
(Interpreter for the deaf provided upon request)

A meeting of the council to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Calendar of Events

Contact: James G. Taylor, Chief Deputy Commissioner, 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

March 10, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

A meeting to conduct an informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St. Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail Karen.o'neal@dpor.virginia.gov.

April 9, 2004 - 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 Cemetery Board intends to amend regulations entitled **18 VAC 47-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 54.1-201 and 54.1-2313 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

April 21, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail Karen.O'Neal@dpor.virginia.gov.

CHARITABLE GAMING BOARD

† June 8, 2004 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Rooms D and E, Richmond, Virginia. ♿

A general meeting. An agenda will be posted on the agency website.

Contact: Frances C. Jones, Office Manager, Charitable Gaming Board, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail Frances.Jones@dcg.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† March 22, 2004 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be taken. A training session will be provided for the board members at the noon hour.

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 carolyn.elliott@cblad.virginia.gov.

CHILD DAY-CARE COUNCIL

† March 11, 2004 - 9 a.m. -- Open Meeting
Department of Social Services, 7 North 8th Street, Richmond, Virginia.

A business meeting. Public comment will be received at noon.

Contact: Pat Rengnerth, State Board Liaison, Child Day-Care Council, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ☎, e-mail patricia.rengnerth@dss.virginia.gov.

April 9, 2004 - 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 Child Day-Care Council intends to repeal regulations entitled **22 VAC 15-20, General Procedures and Information for Licensure**. The purpose of the proposed action is to repeal the existing regulation that was jointly promulgated with the State Board of Social Services.


Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Contact: Kathryn Thomas, Program Development Consultant, Child Day-Care Council, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7158, FAX (804) 726-7132 or e-mail kathryn.thomas@dss.virginia.gov.

STATE CHILD FATALITY REVIEW TEAM

March 12, 2004 - 10 a.m. -- Open Meeting

May 14, 2004 - 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, Manager, Fatality Review and Surveillance Programs, State Child Fatality Review Team, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail Virginia.Powell@vdh.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES


March 17, 2004 - 1:30 p.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


May 19, 2004 - 1:30 p.m. -- Open Meeting

Location to be announced.

Committees will meet as follows: Academic and Student Affairs, Audit, and Budget and Finance will meet at 1:30 p.m.; Facilities and Personnel Committees will meet at 3 p.m.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 


March 18, 2004 - 8:30 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

May 20, 2004 - 8:30 a.m. -- Open Meeting


Location to be announced.

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, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

March 26, 2004 - 11 a.m. -- Open Meeting

Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 


A monthly board meeting.

Contact: Cindy P. Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

March 16, 2004 - 10 a.m. -- Open Meeting

May 18, 2004 - 10 a.m. -- Open Meeting

Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia. 

A meeting of the Twin Lakes State Park Master Plan Advisory Committee to finalize its work on park goals and objectives and purpose statement as well as potential future park development.

Contact: Anne L. Reeder, Park Manager, Department of Conservation and Recreation, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.


† **March 17, 2004 - 1 p.m.** -- Open Meeting

Parks and Recreation Offices, Senior Center Café, 215 Depot Circle, SE, First Floor, Leesburg, Virginia.

A regular meeting of the Goose Creek Scenic River Advisory Committee.

Contact: Leon E. App, Chief 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.


March 30, 2004 - 7 p.m. -- Open Meeting

Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia. 

A meeting of the Twin Lakes State Park Master Plan Advisory Committee to review park resource inventory maps, goals and objectives, and the park purpose statement, as well as review recommendations for future developments for the master plan.

Contact: Anne L. Reeder, Park Manager, Department of Conservation and Recreation, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

April 20, 2004 - 10 a.m. -- Open Meeting


Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia. 

A meeting of the Twin Lakes State Park Master Plan Advisory Committee to review public input and finalize goals, objectives and the park purpose statement, as well as review recommendations for future developments for the master plan.

Calendar of Events

Contact: Anne L. Reeder, Park Manager, Department of Conservation and Recreation, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

Virginia Scenic River Board

† **April 22, 2004 - 11 a.m.** -- Open Meeting
Virginia State University, Jones Dining Hall, Hayden Street, Petersburg, Virginia. 

A regular business meeting.

Contact: Leon E. App, Chief 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.


Virginia Soil and Water Conservation Board

† **March 19, 2004 - 9:30 a.m.** -- Open Meeting
Department of Forestry, Charlottesville, Virginia.

A regular business meeting.

Contact: Leon E. App, Chief 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.

† **April 13, 2004 - 7 p.m.** -- Public Hearing
Roanoke City Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, SW, Roanoke, Virginia.

† **April 14, 2004 - 7 p.m.** -- Public Hearing
Rocky Mount Municipal Building, Council Chambers, 345 Donald Avenue, Rocky Mount, Virginia. 

The public is invited to comment on the request of the City of Roanoke to join the existing organization of the Blue Ridge Soil and Water Conservation District (BRSWCD). On January 23, 2004, the Virginia Soil and Water Conservation Board (board) approved a petition from Roanoke City suggesting the need for realigning the existing Blue Ridge Soil and Water Conservation District and including the City of Roanoke. State law empowers the board to review and decide about the formation of districts and resolve changes with district boundaries. The BRSWCD is a political subdivision of the Commonwealth and is currently comprised of Henry, Franklin and Roanoke counties. Virginia's 47 soil and water conservation districts promote natural resource conservation and stewardship and work directly with landowners, property managers and other citizens. Among the reasons presented by Roanoke City for joining the BRSWCD are the ability to participate in the rapidly expanding area of available conservation programs, which require the expertise and assistance of conservation districts, primarily from a water quality standpoint; the ability to utilize and work with the BRSWCD in educational programs designed to increase the awareness and understanding of area youth in environmental issues; and a need for local elected representation knowledgeable in conservation issues to serve the City of Roanoke. Verbal and written comments provided to the board will be considered as the board makes its decision. The board

reserves the right to limit the comment time period for each speaker to a reasonable time period. The board will accept written comments received by close of business May 1, 2004, from all interested parties. Forward comments to VSWCB Chair, 203 Governor Street, Suite 206; Richmond, VA 23219.

Contact: Leon E. App, Chief Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

BOARD FOR CONTRACTORS

March 9, 2004 - 9 a.m. -- Open Meeting

March 16, 2004 - 9 a.m. -- Open Meeting

† **March 18, 2004 - 9 a.m.** -- Open Meeting

March 23, 2004 - 9 a.m. -- Open Meeting


March 25, 2004 - 9 a.m. -- Open Meeting

March 30, 2004 - 9 a.m. -- Open Meeting


April 6, 2004 - 9 a.m. -- Open Meeting

† **April 20, 2004 - 9 a.m.** -- Open Meeting

† **April 22, 2004 - 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: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.


April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Contractors intends to amend regulations entitled **18 VAC 50-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.


Statutory Authority: §§ 2.2-4007 54.1-1102 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230,

telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.


April 13, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.


May 5, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting of the Tradesman and Education Committee to conduct committee business. The department fully complies with the Americans with Disabilities Act.


Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

† May 25, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A regular scheduled meeting to address policy and procedural issues; review and render decisions on applications for contractors' licenses; and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session. The department fully complies with the Americans with Disabilities Act.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.


BOARD OF CORRECTIONS

March 16, 2004 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

The following committees will meet:


Liaison Committee - 10 a.m.
Correctional Services/Policy and Regulations Committee - 1 p.m.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

March 17, 2004 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

March 17, 2004 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting to review and discuss all matters earlier considered by board committees that now require presentation to and action by the full board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

CRIMINAL JUSTICES SERVICES BOARD

May 13, 2004 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

April 23, 2004 - 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 Criminal Justice Services Board intends to adopt 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.

Statutory Authority: §§ 19.2-310.2:1 and 19.2-310.3:1 of the Code of Virginia.

Contact: Katya Newton, Counsel for Division of Forensic Science, Department of Criminal Justice Services, 700 N. 5th St., Richmond, VA 23219, telephone (804) 786-6848, FAX (804) 786-6857 or e-mail knewton@dfs.state.va.us.

BOARD OF DENTISTRY

March 12, 2004 - 9 a.m. -- Open Meeting
† March 26, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A Special Conference Committee will convene to hold informal conferences. 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,

Calendar of Events

telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail Cheri.Emma-Leigh@dhp.state.va.us.

March 13, 2004 - 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 limit the number of continuing education hours that may be obtained through home study to five hours out of a requirement of 15 hours per year.

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

Public comments may be submitted until March 13, 2004, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 6th Floor, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency 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 18, 2004 - 11 a.m. -- Open Meeting

April 15, 2004 - 11 a.m. -- Open Meeting

May 20, 2004 - 11 a.m. -- Open Meeting

Department of General Services, Eighth Street Office Building, 3rd Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction management type contracts. Contact Division of Engineering and Building to confirm meeting.

Contact: Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/☎, or e-mail rbishton@dgs.state.va.us.

BOARD OF EDUCATION

March 24, 2004 - 9 a.m. -- Open Meeting

April 28, 2004 - 9 a.m. -- Open Meeting

April 29, 2004 - 9 a.m. -- Open Meeting

† May 26, 2004 - 9 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the board. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting

arrangements and will note any last-minute changes in time or location. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 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.

DEPARTMENT OF EDUCATION

April 1, 2004 - 8:30 a.m. -- Open Meeting

April 2, 2004 - 8:30 a.m. -- Open Meeting

Radisson Hotel Historic Richmond, 301 West Franklin Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the State Special Education Advisory Committee. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

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.

Advisory Board on Teacher Education and Licensure

March 15, 2004 - 9 a.m. -- Open Meeting


April 19, 2004 - 9 a.m. -- Open Meeting

Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last minute changes in time or location. Persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

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.

LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

April 28, 2004 - 9 a.m. -- Open Meeting
American Red Cross, 352 Church Avenue, SW, Roanoke,
Virginia. 

A quarterly meeting to provide information on training and
development.

Contact: Jeb Wallace, ITT Industries Night Vision, 7635
Plantation Road, Roanoke, VA 24019, telephone (540) 362-
7371, FAX (540) 362-5408.


DEPARTMENT OF EMPLOYMENT DISPUTE RESOLUTION

March 24, 2004 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia.

A quarterly meeting of the VADRA Council.


Contact: Claudia Farr, Director, Department of Employment
Dispute Resolution, 830 E. Main St., Suite 400, Richmond, VA
23219, telephone (804) 786-7994, e-mail
vadra@edr.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

March 9, 2004 - 7 p.m. -- Open Meeting
Emerald Hill Elementary School, 11245 Rixeyville Road,
Culpeper, Virginia. 


The third public meeting on the development of a bacteria
TMDL for Muddy Run Watershed. The public notice was
published in the Virginia Register on February 9 and the
public comment period closes on April 7, 2004.

Contact: Katherine Bennett, Department of Environmental
Quality, 13901 Crown Court, Woodbridge, VA 22193,
telephone (703) 583-3896, FAX (703) 583-3841, e-mail
kebennett@deq.state.va.us.

March 10, 2004 - 7 p.m. -- Open Meeting
Mary Walter Elementary School, 4529 Morrisville Road,
Bealeton, Virginia. 

The third public meeting on the development of a bacteria
TMDL for Deep Run Watershed located in Stafford and
Fauquier Counties. The public notice was published in the
Virginia Register on February 9 and the public comment
period closes on April 8, 2004.


Contact: Katherine Bennett, Department of Environmental
Quality, 13901 Crown Court, Woodbridge, VA 22193,
telephone (703) 583-3896, FAX (703) 583-3841, e-mail
kebennett@deq.state.va.us.

March 11, 2004 - 7 p.m. -- Open Meeting
Town of Chesterfield Police Department, 10031 Iron Bridge
Road, Public Meeting Room, Chesterfield, Virginia. 

The third public meeting on the development of TMDLs for
bacteria, benthics, dissolved oxygen and/or pH for the


Lower Appomattox River Basin and its tributaries. The
public notice was published in the Virginia Register on
February 9 and the public comment period closes on April
10, 2004.

Contact: Chris French, Department of Environmental Quality,
4949-A Cox Rd., Richmond, VA 23240, telephone (804) 527-
5224, FAX (804) 527-5106, e-mail rcfrench@deq.state.va.us.

† March 15, 2004 - 7 p.m. -- Open Meeting
Municipal Office Council Chambers, 400 North Main Street,
Lawrenceville, Virginia. 


A public meeting on the development of bacteria and
benthics TMDLs for Roses Creek in Brunswick County. The
public notice will appear in the Virginia Register of
Regulations on March 9, 2004, and the public comment
period ends on April 14, 2004.

Contact: Chris French, Department of Environmental Quality,
4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-
5124, FAX (804) 527-5106, e-mail rcfrench@deq.state.va.us.

† March 15, 2004 - 7 p.m. -- Open Meeting
Tenth Legion Ruritan Hall, Tenth Legion, Virginia. 


The final public meeting on the development of bacteria and
benthics TMDLs for Smith Creek in Rockingham and
Shenandoah Counties. The public notice will appear in the
Virginia Register of Regulations on March 9, 2004, and the
public comment period closes on April 14, 2004.

Contact: Robert Brent, Department of Environmental Quality,
4411 Early Rd., Harrisonburg, VA 22801, telephone (540)
574-7848, FAX (540) 574-7878, e-mail
rnbrent@deq.state.va.us.

† March 16, 2004 - 7 p.m. -- Open Meeting
Council Meeting Chambers, Buchanan Town Hall, 19753 Main
Street, Buchanan, Virginia. 

A public meeting on the development of a bacteria TMDL
for an approximately 2.48 mile segment of Looney Creek in
Botetourt County. The public notice will appear in the
Virginia Register of Regulations on March 9 and the public
comment period closes on April 16, 2004.

Contact: Jason Hill, Department of Environmental Quality,
3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540)
562-6724, FAX (540) 562-6860, e-mail jrhill@deq.state.va.us.


† March 17, 2004 - 7 p.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. 

The final public meeting on the development of a benthic
TMDL for an unnamed tributary to the Chickahominy River
in Hanover County. The public notice will appear in the
Virginia Register on March 9, 2004, and the public comment
period closes on April 16, 2004.

Contact: Chris French, Department of Environmental Quality,
4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-
5124, FAX (804) 527-5106, e-mail rcfrench@deq.state.va.us.


Calendar of Events

NOTE: CHANGE IN MEETING DATE

† **March 17, 2004 - 7 p.m.** -- Open Meeting
Lucketts Community Center, 42361 Lucketts Road, Leesburg, Virginia. 


The second of two public meetings on the development of a bacteria TMDL for an approximately 4.75 mile segment of Limestone Branch located in Loudoun County. The public notice appeared in the Virginia Register of Regulations on February 23 and the public comment period closes on April 15, 2004.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, e-mail kebennett@deq.state.va.us.

† **March 17, 2004 - 7 p.m.** -- Open Meeting
New River Valley Competitiveness Center, 6580 Valley Center Drive, Radford, Virginia. 

A public meeting on the development of the Peak Creek, Back Creek, and Crab Creek TMDLs for bacteria and benthics located in Pulaski and Montgomery Counties. The public notice will appear in the Virginia Register on March 9, 2004, and the comment period closes on April 17, 2004.

Contact: Jason Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, e-mail jrhill@deq.state.va.us.

March 17, 2004 - 7 p.m. -- Open Meeting
R. T. Arnold Library, 110 East Danville Street, South Hill, Virginia. 


The final public meeting on the development of the Flat Creek bacteria and benthics TMDLs for a 8.95-mile segment in Mecklenburg County. The public notice was published in the Virginia Register of Regulations on February 23 and the comment period closes on April 15, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.state.va.us.

† **March 18, 2004 - 6 p.m.** -- Open Meeting
Virginia Avenue United Methodist Church Fellowship Hall, 1901 Virginia Avenue, Bluefield, Virginia.


The final public meeting on the draft TMDL report addressing benthic and bacteria impairments for an approximately 13.2 mile long segment of Bluestone River in Tazewell County. The public notice will appear in the Virginia Register on March 9 and the public comment period closes on April 18, 2004. In addition to the public meeting, an informal meeting about the Bluestone River PCB impairment will be held at the same location beginning at 3 p.m.

Contact: Nancy T. Norton, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899, e-mail ntnorton@deq.state.va.us.

† **March 18, 2004 - 7 p.m.** -- Open Meeting
Page County Circuit Court Room, 116 South Court Street, Luray, Virginia. 


The final public meeting on the development of a bacteria TMDL for Hawksbill Creek in Page County. The public notice will appear in the Virginia Register on March 9, 2004, and the public comment period closes on April 17, 2004.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rbrent@deq.state.va.us.

† **March 18, 2004 - 7 p.m.** -- Open Meeting
Sedalia Center Blue Room, 1108 Sedalia School Road, Sedalia, Virginia. 


A public meeting on the development of a bacteria TMDL for an approximately 12.27 mile segment of Reed Creek located in Bedford County. The public notice will appear in the Virginia Register of Regulations on March 9 and the public comment period closes on April 18, 2004.

Contact: Jason Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, e-mail jrhill@deq.state.va.us.

March 18, 2004 - 7 p.m. -- Open Meeting
Neersville Fire and Rescue Building, 11762 Harpers Ferry Road, Hillsboro, Virginia. 

The second of two public meetings on the development of a bacteria TMDL for an approximately 3.52-mile segment in the Piney Run Watershed located in Loudoun County. The public notice was published in the Virginia Register of Regulations on February 23, 2004 and the public comment period closes on March 18, 2004.


Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, e-mail kebennett@deq.state.va.us.

† **March 23, 2004 - 7 p.m.** -- Open Meeting
H. M. Pearson Elementary School, 9347 Bastable Mill Road, Calverton, Virginia. 

The final public meeting on the development of bacteria TMDLs for Cedar and Licking Run in Pauquier and Prince William Counties. The public notice will appear in the Virginia Register of Regulations on March 9, 2004, and the public comment period closes on April 21, 2004.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, e-mail kebennett@deq.state.va.us.


Litter Control and Recycling Fund Advisory Board

March 17, 2004 - 10:30 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, 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 gscoe@deq.state.va.us.

Virginia Recycling Markets Development Council

March 25, 2004 - 10:30 a.m. -- Open Meeting
Henrico Training Center, Shrader and Parham Roads, 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 gscoe@deq.state.va.us.


Small Business Environmental Compliance Advisory Board

March 10, 2004 - 10 a.m. -- Open Meeting
Location to be announced. 

A regular meeting.

Contact: Richard G. Rasmussen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4394, FAX (804) 698-4264, e-mail rgrasmusse@deq.state.va.us.


VIRGINIA FIRE SERVICES BOARD

† **March 17, 2004 - 10:30 a.m.** -- Open Meeting
† **May 12, 2004 - 10:30 a.m.** -- Open Meeting
State Forestry Building, Fontaine Business Park, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Code Change and Development Committee.

Contact: Jennifer Cole, VFSB Clerk, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail jcole@vdfp.state.va.us.


BOARD OF FORESTRY

† **March 30, 2004 - 1 p.m.** -- Open Meeting
Virginia Military Institute, Moody Hall, Lexington, Virginia.  (Interpreter for the deaf provided upon request)


A business meeting.


Contact: Donna S. Hoy, Administrative Staff Specialist, Board of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, e-mail hoyd@dof.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS


March 9, 2004 - 9 a.m. -- Open Meeting
Department of Health, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 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.


March 9, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Formal administrative hearings 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.

† **March 30, 2004 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Informal conferences 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 25, 2004 - 9 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss the staff's recommendations for changes to the process and schedule for amending regulations in the next biennial regulation reviews; and will discuss general and administrative issues. The board may hold a closed session at some time during the meeting; and may elect to hold a dinner Wednesday evening, March 24, 2004, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4016 W. Broad St., Richmond VA 23230, telephone (804) 367-8341, FAX (804) 367-0488, e-mail dgifregs@dgif.state.va.us.

Calendar of Events

DEPARTMENT OF GENERAL SERVICES

March 23, 2004 - 10:30 a.m. -- Public Hearing
Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, Abington, Virginia.

March 24, 2004 - 10:30 a.m. -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

March 30, 2004 - 11:30 a.m. -- Public Hearing
City Center, 700 Town Center Drive, James Room, Newport News, Virginia.

March 31, 2004 - 11 a.m. -- Public Hearing
Department of General Services, Division of Consolidated Laboratory Services, 600 North 5th Street, Richmond, Virginia.

April 1, 2004 - 11:30 a.m. -- Public Hearing
Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, Virginia.

April 9, 2004 - 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 General Services' Division of Consolidated Laboratory Services intends to adopt regulations entitled **1 VAC 30-45, Certification for Noncommercial Environmental Laboratories**, and **1 VAC 30-46, Certification for Commercial Environmental Laboratories**. The purpose of the proposed action is to establish a program to certify environmental laboratories that submit data to the Department of Environmental Quality under Virginia's air, waste and water laws and regulations. Section 2.2-1105 of the Code of Virginia requires the Division of Consolidated Laboratory Services to establish and carry out the program to ensure that environmental laboratories provide accurate and consistent tests, analyses, measurements and monitoring.

Statutory Authority: § 2.2-1105 of the Code of Virginia.

Contact: Nancy S. Saylor, Consultant to the Division of Consolidated Laboratory Services, 600 N. 5th St., Richmond, VA 23219, telephone (804) 231-7980, FAX (804) 231-7980 or e-mail nssaylor@erols.com.


BOARD FOR GEOLOGY

April 9, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 that the Board for Geology intends to amend regulations entitled **18 VAC 70-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow that requests placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-1402 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

April 20, 2004 - 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 E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail david.dick@dpor.virginia.gov.

GEORGE MASON UNIVERSITY

March 24, 2004 - 9 a.m. -- Open Meeting
George Mason University, Mason Hall, Fairfax, Virginia. 

A meeting of the Board of Visitors. The agenda will be published 10 days prior to the meeting.

Contact: Mary Roper, Secretary, pro tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, (703) 993-8707/TTY , e-mail mroper@gmu.edu.

STATE BOARD OF HEALTH


April 26, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled **12 VAC 5-210, Charges and Payment Requirements by Income Levels**, and amend 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 review the system of eligibility and charges for medical services provided by local health departments.

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

Contact: James Burns, M.D., Deputy Commissioner for Public Health, Department of Health, 107 Governor St., 13th Floor, Richmond, VA 23219, telephone (804) 864-7001, FAX (804) 864-7022 or e-mail jim.burns@vdh.virginia.gov.

DEPARTMENT OF HEALTH

March 18, 2004 - 9:30 a.m. -- Open Meeting
Natural Resources Building, 900 Natural Resources Drive, Fontaine Research Park, Charlottesville, Virginia. 

A meeting of the Biosolids Use Information Committee. An advisory committee meeting will follow and include

discussions on proposed revisions to the biosolids use regulations.


Contact: Cal Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., Fifth Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, e-mail cal.sawyer@vdh.virginia.gov.

April 29, 2004 - 9 a.m. -- Open Meeting
Richmond area.

A meeting to discuss state health issues.

Contact: Margot Fritts, VDH/Office of Health Policy and Planning, Department of Health, 109 Governors St., 10th Floor, Richmond, VA 23219, telephone (804) 864-7428, FAX (804) 864-7440, e-mail margot.fritts@vdh.virginia.gov.

State Emergency Medical Services Advisory Board

May 14, 2004 - 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, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, e-mail gary.brown@vdh.virginia.gov.


Sewage Handling and Disposal Appeal Review Board

April 7, 2004 - 10 a.m. -- Open Meeting
Henrico County Health Department, 8600 Dixon Powers Drive, Human Services Board Room, Richmond, Virginia.

A meeting to hear appeals of the health department denials of septic tank permits.

Contact: Susan C. Sherertz, Secretary to the Board, Sewage Handling and Disposal Appeal Review Board, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7476, e-mail susan.sherertz@vdh.virginia.gov.

BOARD OF HEALTH PROFESSIONS

April 16, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program (HPIP).

Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **March 15, 2004 - 4 p.m.** -- Open Meeting
Sheraton Norfolk Waterside Hotel, Norfolk, Virginia.

A meeting of the Executive Committee.


Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

March 16, 2004 - 8:30 a.m. -- Open Meeting
Old Dominion University, Norfolk, Virginia.


Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers will be asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT


March 22, 2004 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, 1st Floor, Board Room, Richmond, Virginia. 

A regular business 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.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board


† **April 16, 2004 - 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 appeals under the Department's building and fire regulations and considers interpretations and the formulation of recommendations for future changes to the codes.


Calendar of Events

Contact: Vernon W. Hodge, Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY


† **March 16, 2004 - 9 a.m.** -- Open Meeting
The Martha Washington Inn, 150 West Main Street, Abingdon, Virginia. 

A meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the authority's operations; and consider such other matters and take such other actions as they may deem appropriate. The Board of Commissioners will hold a retreat meeting on March 15, 2004, commencing at 9 a.m. and may continue such retreat meeting on March 16, 2004, commencing at 9 a.m. The regular meeting will commence following the conclusion of the retreat meeting. Also, various committees of the Board of Commissioners, including the Programs Committee, the Audit/Operations Committee, the Executive Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: J. Judson Mckellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 986-7837, (804) 783-6705/TTY 


VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Wireless E-911 Services Board

March 10, 2004 - 9 a.m. -- Open Meeting
VITA Operations Center, 110 South 7th Street, 3rd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the CMRS Subcommittee. A request will be made to hold meeting in closed session.


Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 786-4177, e-mail steve.marzolf@vita.virginia.gov.

March 10, 2004 - 10 a.m. -- Open Meeting
VITA Operations Center, 110 South 7th Street, 3rd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA 23219, telephone (804) 371-0015, e-mail steve.marzolf@vita.virginia.gov.


VIRGINIA INTERAGENCY COORDINATING COUNCIL

† **March 10, 2004 - 9:30 a.m.** -- Open Meeting
Henrico Mental Health, 10299 Woodman Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)


A quarterly meeting to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion will focus on issues related to Virginia's implementation of the Part C program. (Please note the VICC meeting is being held on Thursday instead of the usual Wednesday.)


Contact: LaKeishia White, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710, FAX (804) 371-7959.

JAMESTOWN-YORKTOWN FOUNDATION


† **March 17, 2004 - 2 p.m.** -- Open Meeting
† **June 2, 2004 - 2 p.m.** -- Open Meeting
Richmond, Virginia area; specific location to be announced.  (Interpreter for the deaf provided upon request)


A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee.

Contact: Stacy Ruckman, Administrative Office Manager, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4253, FAX (757) 253-5299, (757) 253-5110/TTY , e-mail sruckman@jyf.state.va.us.

† **May 5, 2004 - Noon** -- Open Meeting
Richmond, Virginia area; specific location to be announced.  (Interpreter for the deaf provided upon request)

A regular meeting of the Jamestown 2007 Steering Committee.

Contact: Stacy Ruckman, Administrative Office Manager, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4253, FAX (757) 253-5299, (757) 253-5110/TTY , e-mail sruckman@jyf.state.va.us.

May 13, 2004 - 10 a.m. -- Open Meeting
May 14, 2004 - 8 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A semiannual meeting of the Board of Trustees and its committees. Specific schedule not yet confirmed. An opportunity for public comment will be provided on the May 14 business session agenda.

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.

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

March 18, 2004 - 10 a.m. -- Open Meeting
New Horizons Regional Educational Center, 520 Butler Farm Road, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Beverly Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

Safety and Health Codes Board

April 21, 2004 - 10 a.m. -- Public Hearing
State Corporation Commission, Tyler Building, 1300 East Main Street, Courtroom A, Richmond, Virginia.

April 23, 2004 - 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 Labor and Industry intends to repeal regulations entitled **16 VAC 25-175-1926.950 (c) (1), Clearances**, and adopt regulations entitled **16 VAC 25-155, Virginia Construction Industry General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment**. The purpose of the proposed action is to provide construction electrical transmission workers with safety protection identical to general industry electrical transmission workers.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418 or e-mail rlc@doli.state.va.us.

April 21, 2004 - 10 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, Second Floor, Courtroom A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to immediately follow public hearing.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail rlc@doli.state.va.us.

STATE LIBRARY BOARD

March 15, 2004 - 8:15 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

Committees of the board will meet as follows:

8:15 - 9:15 a.m. - Public Library Development Committee
Publications and Educational Services Committee
Records Management Committee

9:30 - 10:30 a.m. - Archival and Information Services Committee
Collection Management Services Committee
Legislative and Finance Committee

10:30 a.m. - Library Board

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 8, 2004 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 N. Second Street, 1st Floor, Board Room, Richmond, Virginia. ♿

A regular meeting to consider such matters as may be presented.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-1120/TTY ☎, e-mail ted.mccormack@dhd.virginia.gov.

LONGWOOD UNIVERSITY

† **March 19, 2004 - 9 a.m.** -- Open Meeting
Longwood University, 201 High Street, 215 Lancaster Hall, Stallard Board Room, Farmville, Virginia. ♿

The following committees will conduct routine business:

Academic and Student Affairs Committee - 2 p.m.
Administration, Finance and Facilities Committee - 10:15 a.m.
Audit Committee - 1:30 p.m.
University Advancement Committee - 9 a.m.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, e-mail jhayden@longwood.edu.


† **March 20, 2004 - 9 a.m.** -- Open Meeting
Longwood University, 201 High Street, 215 Lancaster Hall, Stallard Board Room, Farmville, Virginia. ♿

A meeting to conduct routine business of the Board of Visitors.


Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, e-mail jhayden@longwood.edu.

Calendar of Events


MARINE RESOURCES COMMISSION

March 23, 2004 - 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: Jane McCroskey, Commission Secretary, Marine
Resources Commission, 2600 Washington Ave., 3rd Floor,
Newport News, VA 23607, telephone (757) 247-2248, FAX
(757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY
, e-mail jmccroskey@mrc.state.va.us.


BOARD OF MEDICAL ASSISTANCE SERVICES

April 13, 2004 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor Conference Room, Richmond, Virginia. 


A routine quarterly meeting required by the BMAS bylaws.

Contact: Nancy Malczewski, Board Liaison, Department of
Medical Assistance Services, 600 E. Broad St., Suite 1300,
Richmond, VA 23219, telephone (804) 786-8096, FAX (804)
371-4981, (800) 343-0634/TTY , e-mail
nancy.malczewski@dmas.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

March 16, 2004 - 1 p.m. -- Open Meeting
May 11, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor, Board Room, Richmond, Virginia. 

A meeting of the Pharmacy Liaison Committee to discuss
current DMAS pharmacy issues and programs.

Contact: Javier Menendez, RPh, Pharmacy Manager,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 786-2196,
(800) 343-0634/TTY , e-mail jmenendez@dmas.state.va.us.

March 26, 2004 - 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 consider amending regulations entitled
**12 VAC 30-70, Methods and Standards for Establishing
Payment Rates; Inpatient Hospital Services.** The
purpose of the proposed action is to reduce capital cost
reimbursement levels for inpatient hospitals from 100% to
80%, found in 12 VAC 30-70-271.

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


Public comments may be submitted until March 26, 2004, to
Steve Ford, Manager, Division of Provider 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 East Broad
Street, Suite 1300, Richmond, VA 23219, telephone (804)
786-7959, FAX (804) 786-1680, or e-mail
vsimmons@dmas.state.va.us.


March 30, 2004 - 4 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor Board Room, Richmond, Virginia. 

A meeting of the Medicaid Physicians Advisory Committee
to discuss physician issues in the Medicaid system.


Contact: Chris Schroeder, Department of Medical Assistance
Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219,
telephone (804) 371-0552, FAX (804) 371-4981, (800) 343-
0634/TTY , e-mail cschroed@dmas.state.va.us.

† April 21, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor Board Room, Richmond, Virginia. 


A meeting of the Pharmacy and Therapeutics Committee.

Contact: Adrienne T. Fegans, Program Operations
Administrator, Department of Medical Assistance Services,
600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone
(804) 786-4112, FAX (804) 371-4981, (800) 343-0634/TTY ,
e-mail adrienne.fegans@dmas.virginia.gov.

Drug Utilization Review Board

† March 18, 2004 - 2 p.m. -- Open Meeting
† May 6, 2004 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services 600 E. Broad
Street, 13th Floor Board Room Richmond, Virginia. 

A regular meeting.

Contact: Javier Menendez, Pharmacy Manager, Department
of Medical Assistance Services, 600 E. Broad St., Suite 1300
Richmond, VA 23219, telephone (804) 786-2196, (800) 343-
0634/TTY , e-mail jmenende@dmas.state.va.us.

BOARD OF MEDICINE

March 10, 2004 - 8:45 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia.

March 12, 2004 - 1 p.m. -- Open Meeting
March 17, 2004 - 8:45 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Richmond, Virginia.

April 14, 2004 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia.

An informal conference committee 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. 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.

† **March 12, 2004 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Ethics Ad Hoc Committee will discuss proposed regulations for ethical behavior by physicians. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

March 27, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-110, Regulations Governing the Practice of Licensed Acupuncturists**. The purpose of the proposed action is to license an applicant who graduated from an acupuncture program that had obtained candidacy status from the accrediting body and subsequently been accredited within three years of the applicant's graduation.

Statutory Authority: §§ 54.1-113 and 2.2-295.69 of the Code of Virginia.

Public comments may be submitted until March 27, 2004, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 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 10, 2004 - 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 85-120, Regulations Governing the Certification of Athletic Trainers**. The purpose of the proposed action is to allow the board to provide a limited provisional certification to those licensed or certified in another jurisdiction pending completion of an application.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.4 of the Code of Virginia.

Public comments may be submitted until April 10, 2004, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

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

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **March 11, 2004 - 10 a.m.** -- Open Meeting
Richmond Behavioral Health Authority, 107 S. Fifth Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Substance Abuse Services Council.

Contact: Mary Nash Shawver, MS, MEd, Planning Coordinator, Office of Substance Abuse Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O., Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0825, FAX (804) 786-4320, e-mail mshawver@dmhmrsas.state.va.us.

VIRGINIA COMMISSION ON MILITARY BASES

† **April 16, 2004 - 11 a.m.** -- Open Meeting
Virginia's Center for Innovative Technology, 2214 Rock Hill Road, Briefing Room, Herndon, Virginia. ♿

A quarterly meeting.

Contact: Cynthia H. Arrington, Communications, Virginia Commission on Military Bases, P.O. Box 798, Richmond, VA 23218, telephone (804) 225-3743, FAX (804) 786-1121, e-mail carrington@yesvirginia.org.

VIRGINIA MUSEUM OF FINE ARTS

April 6, 2004 - 8 a.m. -- Open Meeting

May 4, 2004 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, MDR Payne Room, Richmond, Virginia. ♿

A meeting for staff to update the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

† **April 20, 2004 - 9 a.m.** -- Open Meeting
Lewis Ginter Botanical Garden, Robins Room, 1800 Lakeside Avenue, Richmond, Virginia. ♿

A meeting for trustees and staff to discuss governance issues. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,

Calendar of Events

VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

March 22, 2004 - 9 a.m. -- Open Meeting

March 24, 2004 - 9 a.m. -- Open Meeting

March 25, 2004 - 9 a.m. -- Open Meeting

May 17, 2004 - 9 a.m. -- Open Meeting

May 19, 2004 - 9 a.m. -- Open Meeting

May 20, 2004 - 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: Jay P. Douglas, M.S.M., C.S.A.C., 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.

March 23, 2004 - 9 a.m. -- Open Meeting

May 18, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A general business meeting including committee reports, consideration of regulatory action, and disciplinary case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.state.va.us.

April 8, 2004 - 9 a.m. -- Open Meeting

April 13, 2004 - 9 a.m. -- Open Meeting

April 19, 2004 - 9 a.m. -- Open Meeting

April 20, 2004 - 9 a.m. -- Open Meeting

April 29, 2004 - 9 a.m. -- Open Meeting

† **June 3, 2004 - 9 a.m.** -- Open Meeting

† **June 7, 2004 - 9 a.m.** -- Open Meeting

† **June 8, 2004 - 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 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.

April 21, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, e-mail nursebd@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS

† **April 14, 2004 - 11 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A Special Conference Committee will meet to hold informal conferences. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Nursing Home Administrators, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail Cheri.Emma-Leigh@dhp.state.va.us.

OLD DOMINION UNIVERSITY

† **March 15, 2004 - 3 p.m.** -- Open Meeting

Webb University Center, Old Dominion University, 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.

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 8, 2004 - 1 p.m.** -- Open Meeting

Webb University Center, Old Dominion University, 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.

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 FOR OPTICIANS

April 9, 2004 - 9:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting to consider regulatory and other issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the 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 an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.virginia.gov.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Opticians intends to amend regulations entitled **18 VAC 100-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

BOARD OF OPTOMETRY

† **March 19, 2004 - 8:30 a.m.** -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. ♿

The Legislative/Regulatory Review Committee will meet to discuss professional designation titling, contact lens prescription release, application expiration/fee and HB 856 implications, and regulations development. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.state.va.us.

† **March 19, 2004 - 10 a.m.** -- Open Meeting
Alcoa Building, 6603 West Broad Street, Room 3, Richmond, Virginia. ♿

The full board will meet to receive the report and recommendations of the Legislative/Regulatory Review Committee. Discussion items for board review are: probationary status on licensure permits and consideration of waiver of licensure late fees. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.state.va.us.

† **March 19, 2004 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A special conference hearing. This is a public meeting; however, public comment will not be received.

Contact: Elizabeth Carter, Ph.D., Executive Director, Board of Optometry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, e-mail elizabeth.carter@dhp.state.va.us.

VIRGINIA OUTDOORS FOUNDATION

† **March 18, 2004 - 10 a.m.** -- Open Meeting
1010 Harris Street, Suite 4, Charlottesville, Virginia.

A planning work session for the Board of Trustees. No formal actions will be taken.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 302 Royal Lane, Blacksburg, VA 24060, telephone (540) 951-2822, FAX (540) 951-2695, e-mail tvance@virginiaoutdoorsfoundation.org.

† **March 19, 2004 - 9 a.m.** -- Open Meeting
1010 Harris Street, Suite 4, Charlottesville, Virginia. ♿
(Interpreter for the deaf provided upon request)

A quarterly meeting of the trustees to review and accept open-space easements. There will be a public comment period following lunch.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 302 Royal Lane, Blacksburg, VA 24060, telephone (540) 951-2822, FAX (540) 951-2695, e-mail tvance@virginiaoutdoorsfoundation.org.

BOARD OF PHARMACY

March 11, 2004 - 9 a.m. -- Open Meeting
March 25, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A 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 26, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Calendar of Events

Informal conferences will be held 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.

† **March 26, 2004 - 7:30 p.m.** -- Public Hearing
VPTA Leadership Retreat at Hospitality House, 415 Richmond Road, Williamsburg, Virginia.

April 10, 2004 - 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 Physical Therapy intends to amend regulations entitled **18 VAC 112-20, Regulations Governing the Practice of Physical Therapy**. The purpose of the proposed action is to clarify and update educational, examination and practice requirements. Substantive changes include the elimination of the prohibition on licensure after six failed attempts to pass the national examination; inclusion of a requirement for additional clinical training or course work to sit for the examination after three failures; and acceptance of documentation of active practice for seven years with an unrestricted license if the examination taken for initial licensure is not identical to the examination required in Virginia. A copy of the proposed regulation may be found under Laws and Regulations Governing Physical Therapy at [http://dhp.state.va.us/Physical Therapy/default.htm](http://dhp.state.va.us/Physical%20Therapy/default.htm).

Statutory Authority: § 54.1-2400 and Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until April 10, 2004, to Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 West Broad Street, Richmond, VA 23230.

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

POLYGRAPH EXAMINERS ADVISORY BOARD

† **June 3, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A regular meeting. The board fully complies with the Americans with Disabilities Act.

Contact: Eric Olson, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail olson@dpor.state.va.us.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **June 7, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor Conference Room 5W, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Judy Spiller, Executive Secretary, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY ☎, e-mail judy.spiller@dpor.virginia.gov.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Department of Professional and Occupational Regulation intends to amend regulations entitled **18 VAC 120-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007, 54.1-201, 54.1-831 and 54.1-1802 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.


BOARD OF PSYCHOLOGY

April 27, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.


A business meeting to include reports from standing committees and any other disciplinary or regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

May 20, 2004 - 10 a.m. -- Open Meeting
1610 Forest Avenue, Suite 100, Richmond, Virginia. 

A quarterly meeting.

Contact: Terry Raney, Guardianship Coordinator, Virginia Public Guardian and Conservator Advisory Board, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail traney@vda.virginia.gov.

REAL ESTATE APPRAISER BOARD

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Real Estate Appraiser Board intends to amend regulations entitled **18 VAC 130-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.


Statutory Authority: §§ 2.2-4007 and 54.1-2013 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.


REAL ESTATE BOARD

March 18, 2004 - 9 a.m. -- Open Meeting


March 31, 2004 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail Karen.O'Neal@dpor.virginia.gov.

March 24, 2004 - 2 p.m. -- Public Hearing

Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. 


April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Real Estate Board intends to amend regulations entitled **18 VAC 135-20, Virginia Real Estate Board Licensing Regulations**. The purpose of the proposed action is to increase fees.


Statutory Authority: §§ 2.2-4007, 54.1-113 and 54.1-2105 of the Code of Virginia.

Contact: Christine Martine, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946 or e-mail reboard@dpor.virginia.gov.


March 25, 2004 - 8:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. 


A meeting of the full board to review fair housing cases.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail Karen.O'Neal@dpor.virginia.gov.

March 25, 2004 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. 

A regular meeting of the full board.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail Karen.O'Neal@dpor.virginia.gov.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Real Estate Board intends to amend regulations entitled **18 VAC 135-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-2105 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

Calendar of Events

VIRGINIA RESOURCES AUTHORITY

March 9, 2004 - 9 a.m. -- Open Meeting

April 13, 2004 - 9 a.m. -- Open Meeting

Virginia Resources Authority, Eighth and Main Building, 707 East Main Street, 2nd Floor, Richmond, Virginia. ☎

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcr@aera.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **March 17, 2004 - 12 p.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 general business of the board. Meeting time is subject to change depending upon the board's agenda.

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, toll-free (866) 248-8814, e-mail scott.parsons@dba.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

† **March 10, 2004 - 9 a.m.** -- Open Meeting

Department of Social Services, 7 North 8th Street, Richmond, Virginia. ☎

† **April 14, 2004 - 9 a.m.** -- Open Meeting

† **April 15, 2004 - 9 a.m.** -- Open Meeting

Sudley North Government Center, 7987 Ashton Avenue, Manassas, Virginia.

A business meeting. Public comment will be received beginning at 1:30 p.m.

Contact: Pat Rengnerth, State Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804)

726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ☎, e-mail patricia.rengnerth@dss.virginia.gov.

March 26, 2004 - 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 40-80, General Procedures and Information for Licensure**. The purpose of the proposed action is to amend the regulation to clarify and simplify some standards and to incorporate changes that have been made to the Code of Virginia since the last revision of this regulation. Many changes are the result of the recodification of Title 63.1 of the Code of Virginia that will become effective October 1, 2002. The Code of Virginia mandates that the Department of Social Services (department) license certain facilities that provide care to children and adults. Programmatic regulations are developed for these facilities. The current regulation contains general licensing requirements that are applicable to all licensed programs but are not included in the programmatic regulations. Previously, this regulation was promulgated jointly by the State Board of Social Services (board) and the Child Day-Care Council for all the department's licensed programs. However, the Child Day-Care Council desires to promulgate a separate regulation that applies only to child day centers (the only program for which they have regulatory responsibility). This regulation will continue to contain references to child day centers, however, because of the board's sole authority to regulate some procedures and activities that are applicable to child day centers. The goal of the amended regulation is to provide clear and concise information and requirements for applicants, licensees, and licensing staff regarding the licensing process.

Statutory Authority: §§ 63.2-217, 63.2-1732, 63.2-1733 and 63.2-1734 of the Code of Virginia

Contact: Kathryn Thomas, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7158, FAX (804) 726-7132, or e-mail kathryn.thomas@dss.virginia.gov.

March 26, 2004 - 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 40-141, Licensing Standards for Independent Foster Homes**. The purpose of the proposed action is to change the title to "Licensing Standards for Independent Foster Homes, amend the existing standards to clarify the intent of the regulation and incorporate changes made in the Code of Virginia since this regulation was adopted. Proposed amendments include allowing placement agreements; allowing children to remain in the independent foster home

for up to six months; updating medical requirements; clarifying capacity; revising standards regarding physical restraint and time-out/separation; strengthening and updating safety requirements to better protect infants and young children; including language regarding respecting the diversity of children and their families; and the responsibilities of the licensee.

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

Contact: Cynthia Carneal, Operations Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7140, FAX (804) 726-7132 or e-mail cynthia.carneal@dss.virginia.gov.

March 26, 2004 - 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 40-293, Locality Groupings**. The purpose of the proposed action is to establish criteria for local departments of social services to change Temporary Assistance for Needy Families (TANF) locality groupings. Locality groupings determine payments levels for recipients of TANF in each locality.

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

Contact: Mark L. Golden, TANF Program Manager, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7385, FAX (804) 726-7356 or e-mail mark.golden@dss.virginia.gov.

March 26, 2004 - 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 40-740, Locality Groupings**. The purpose of the proposed action is to update guidelines used by local departments of social services for investigating reports and protecting the health, safety, and welfare of the elderly and adults. Proposed changes are primarily technical in nature to make the regulation consistent with the Code of Virginia and current policy, update state agency names and delete outdated terminology.

Statutory Authority: §§ 63.2-217 and 63.2-1605 of the Code of Virginia.

Contact: Cindy Lee, Adult Services Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7535, FAX (804) 726-7895 or e-mail cindy.lee@dss.virginia.gov.


BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Professional Soil Scientists intends to amend regulations entitled **18 VAC 145-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

April 14, 2004 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

April 23, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Professional Soil Scientists and Wetland Professionals intends to amend regulations entitled **18 VAC 145-20, Board for Professional Soil Scientists Regulations**. The purpose of the proposed action is to adjust fees as necessary in accordance with § 54.1-113 of the Code of Virginia (Callahan Act).

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.


Contact: Mark N. Courtney, Executive Director, Board for Professional Soil Scientists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail soilscientist@dpor.virginia.gov.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

† **March 8, 2004 - 1 p.m.** -- Open Meeting
Virginia High School League, 1642 State Farm Road,
Charlottesville, Virginia.

A meeting of the North Central Regional Advisory Board to elect officers.

Contact: Henry Harper, III, Grants Program Administrator, Virginia Tobacco Settlement Foundation, 2878 James Madison Hwy., Bremo Bluff, VA 23022, telephone (434) 842-9149, FAX (434) 842-9157, e-mail hharper@tsf.state.va.us.

March 23, 2004 - Noon -- Open Meeting
VCU Sports Medicine Center, 1300 West Broad Street, Parlor,
Richmond, Virginia. 

Calendar of Events

A meeting of the Board of Trustees to discuss new marketing concepts.


Contact: Eloise Burke, Senior Executive Assistant, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2883, e-mail eburke@tsf.state.va.us.

† **April 20, 2004 - 3 p.m.** -- Open Meeting
Sully Governmental Center, 4900 Stonecroft Boulevard, Chantilly, Virginia.

A meeting of the North Regional Advisory Board to review proposals.


Contact: Lisa Brown, Grants Program Administrator, Virginia Tobacco Settlement Foundation, 620 Herndon Parkway, Suite 200, Herndon, VA 20170, telephone (703) 481-9823, FAX (703) 481-9857, e-mail lbrown@tsf.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

March 17, 2004 - 2 p.m. -- Open Meeting
VDOT, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 


A work session of the CTB, VDOT and DRPT staff providing updates on projects, policy development and pending actions. Public comments will not be received.

Contact: Katherine Tracy, Assistant Secretary of the CTB, Commonwealth Transportation Board, Department of Transportation Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@virginiadot.org.

March 18, 2004 - 9 a.m. -- Open Meeting
VDOT, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 

A meeting of the board to vote on action items presented regarding bids, conveyances and any other matter requiring board approval. Public comments will be received at the outset of the meeting. Remarks are limited to five minutes. Groups are requested to select a spokesperson. The board reserves the right to amend these conditions. Committee meetings may be held on the call of the chairman and will be posted separately.


Contact: Katherine Tracy, Assistant Secretary of the CTB, Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@virginiadot.org.

† **March 18, 2004 - 10:30 a.m.** -- Open Meeting
Location to be announced. 

A work session of the VTrans 2025 Multi-Modal Transportation Policy Committee. Staff contact is Katherine Graham at 804-786-4198.

Contact: Katherine Tracy, Assistant Secretary of the CTB, Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St. Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@virginiadot.org.


TREASURY BOARD

March 17, 2004 - 9 a.m. -- Open Meeting
Department of the Treasury, 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.

DEPARTMENT OF VETERANS SERVICES

March 16, 2004 - 1 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. 


A meeting of the Joint Leadership Council.

Contact: Geneva M. Claybrook, Executive Services Manager, Department of Veterans Services, 4550 Shenandoah Ave., Roanoke, VA 24015, telephone (540) 857-6974, FAX (540) 857-6954, toll-free (800) 220-8387, e-mail gclaybrook@vccc1.us.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

March 30, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

A regular meeting.

Contact: David E. Dick, Executive Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail wastemgt@dpor.state.virginia.gov.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Waste Management Facility Operators intends to amend regulations entitled **18 VAC 155-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.


Statutory Authority: §§ 2.2-4007 and 54.1-2211 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational

Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.


(804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

STATE WATER CONTROL BOARD

March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A public meeting to receive comments on the State Water Control Board's notice of intent to amend 9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less than One-Half of an Acre. The public comment period closes on March 15, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A public meeting to receive comments on the State Water Control Board's notice of intent to amend 9 VAC 25-690 Virginia Water Protection General Permit for Impacts from Development Activities. The public comment period ends on March 15, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A public meeting to receive comments on the State Water Control Board's notice of intent to amend 9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects. The public comment period closes on March 15, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the State Water Control Board's notice of intent to amend 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. The public comment period closes on March 15, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone


March 23, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting.


Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.state.va.us.

March 24, 2004 - 10 a.m. -- Open Meeting

April 28, 2004 - 10 a.m. -- Open Meeting

May 26, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the ad hoc committee established to assist in the development of water quality standards to protect the Chesapeake Bay from nutrient enrichment and sedimentation.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, toll-free 800-592-5482 or (804) 698-4021/TTY 


March 31, 2004 - 7 p.m. -- Public Hearing
Loudoun County Sanitation Authority, 880 Harrison Street, SE, Leesburg, Virginia.

April 23, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to repeal regulations entitled **9 VAC 25-400, Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed**. The purpose of the proposed action is to eliminate 9 VAC 25-400 and concurrently adopt a reformatted **9 VAC 25-401, Sewage Treatment in the Dulles Area Watershed regulation**.

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

Contact: Thomas A. Faha, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846 or e-mail tafaha@deq.state.va.us.


April 1, 2004 - 2 p.m. -- Open Meeting
Luray Fire Station, 1 Firehouse Lane, Luray, Virginia. 

A public meeting to receive comments on the State Water Control Board's notice of intent to amend the water quality standards regulations to designate certain waters within the Shenandoah National Park as exceptional state resource waters (Tier III). The notice of intent was published in the Virginia Register of Regulations on February 23, 2004, and the public comment closes on April 9, 2004.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone


Calendar of Events

(804) 698-4113, FAX (804) 698-4522, e-mail jwgregory@deq.state.va.us.

April 7, 2004 - 1 p.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the Virginia Wetlands Enhancement and Restoration Coordinating Committee. The committee will, among other things, be promoting voluntary wetlands creation and/or enhancement on public and private lands.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4347, e-mail egilinsky@deq.state.va.us.

† April 13, 2004 - 10 a.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


† May 7, 2004 - 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 25-590, Petroleum Underground Storage Tank Financial Responsibility Requirements**. The purpose of the proposed action is to propose administrative changes, incorporate ways to reduce the cost of compliance with the existing requirements and such other amendments necessary in response to public comment.


Statutory Authority: §§ 62.1-44.34:9 and 62.1-44.34:12 of the Code of Virginia.

Contact: Renee Hooper, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4018 or e-mail rthooper@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

March 9, 2004 - 8:30 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, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.virginia.gov.


April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Waterworks and Wastewater Works

Operators intends to amend regulations entitled **18 VAC 160-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

May 12, 2004 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor Conference Room, Richmond, Virginia. 

May 25, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled **18 VAC 160-20, Board for Waterworks and Wastewater Works Operators Regulations**. The purpose of the proposed action is to adjust fees as necessary in accordance with § 54.1-113 of the Code of Virginia (Callahan Act). Any other changes that may be necessary may also be considered.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Contact: David E. Dick, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, or e-mail David.Dick@dpor.virginia.gov.

INDEPENDENT

VIRGINIA RETIREMENT SYSTEM

March 24, 2004 - 11 a.m. -- Open Meeting

April 21, 2004 - 11 a.m. -- Open Meeting

May 19, 2004 - 11 a.m. -- Open Meeting

Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia.

The regular meeting of the Investment Advisory Committee of the VRS Board of Trustees. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Investment Department Administrative Assistant, Virginia Retirement System, 1111 East Main Street, 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.

March 24, 2004 - 3 p.m. -- Open Meeting

May 19, 2004 - 4 p.m. -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Audit and Compliance Committee. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

March 25, 2004 - 9 a.m. -- Open Meeting

May 20, 2004 - 9 a.m. -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

May 19, 2004 - 2:30 p.m. -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

Meetings of the following committees:

2:30 p.m. - Benefits and Actuarial Committee

4 p.m. - Administration and Personnel Committee

No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

† **June 1, 2004 - 8:30 a.m.** -- Open Meeting

Location to be determined. ♿

Board of Trustees annual retreat.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION

March 10, 2004 - 9 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, 2nd Floor, Senate Redistricting Room, Richmond, Virginia. ♿

A brief meeting to decide on the fourth Code of Virginia replacement volume for 2004. No public comment period is scheduled.

Contact: Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

March 8

Alcoholic Beverage Control Board
Local Government, Commission on
† Tobacco Settlement Foundation, Virginia

March 9

Agriculture and Consumer Services, Department of
- Virginia Apple Board
- Virginia Cotton Board
Contractors, Board for
Environmental Quality, Department of
Funeral Directors and Embalmers, Board of
Resources Authority, Virginia
Waterworks and Wastewater Works Operators, Board for

March 10

Blind and Vision Impaired, Department for the
Cemetery Board
Code Commission, Virginia
Environmental Quality, Department of
- Small Business Environmental Compliance Advisory
Board
Information Technologies Agency, Virginia
- Wireless E-911 Services Board
† Interagency Coordinating Council, Virginia
Medicine, Board of
† Social Services, State Board of
Water Control Board, State

March 11

Agriculture and Consumer Services, Department of
- Virginia Bright Flue-Cured Tobacco Board
- Virginia Soybean Board
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Child Day-Care Council
Environmental Quality, Department of
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Pharmacy, Board of

March 12

Child Fatality Review Team, State
Dentistry, Board of
† Medicine, Board of

March 13

Blind and Vision Impaired, Department for the
- Statewide Rehabilitation Council for the Blind and Vision
Impaired

March 15

Education, Department of
- Advisory Board on Teacher Education and Licensure

Calendar of Events

- † Environmental Quality, Department of
- † Higher Education for Virginia, State Council of
- Library Board, State
- † Old Dominion University
- March 16**
- Conservation and Recreation, Department of
- Contractors, Board for
- Corrections, Board of
- † Environmental Quality, Department of
- Higher Education for Virginia, State Council of
- † Housing Development Authority, Virginia
- Medical Assistance Services, Department of
- Veterans Services, Department of
- March 17**
- Community Colleges, State Board for
- † Conservation and Recreation, Department of
- Corrections, Board of
- † Environmental Quality, Department of
- Litter Control and Recycling Fund Advisory Board
- † Fire Services Board, Virginia
- † Jamestown-Yorktown Foundation
- Medicine, Board of
- † Small Business Financing Authority, Virginia
- Transportation Board, Commonwealth
- Treasury Board
- March 18**
- Agriculture and Consumer Services, Board of
- Community Colleges, State Board for
- † Contractors, Board for
- Design-Build/Construction Management Review Board
- † Environmental Quality, Department of
- Health, Department of
- Labor and Industry, Department of
- Apprenticeship Council
- † Medical Assistance Services, Department of
- Drug Utilization Review Board
- † Outdoors Foundation, Virginia
- Real Estate Board
- † Transportation Board, Commonwealth
- March 19**
- † Agriculture and Consumer Services, Department of
- Virginia Peanut Board
- † Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
- † Longwood University
- † Optometry, Board of
- † Outdoors Foundation, Virginia
- March 20**
- † Longwood University
- March 22**
- † Agriculture and Consumer Services, Department of
- Virginia Agricultural Council
- Alcoholic Beverage Control Board
- † Chesapeake Bay Local Assistance Board
- Housing and Community Development, Board of
- Nursing, Board of
- March 23**
- † Agriculture and Consumer Services, Department of
- Virginia Agricultural Council
- Contractors, Board for
- † Environmental Quality, Department of
- Marine Resources Commission
- Nursing, Board of
- Tobacco Settlement Foundation, Virginia
- Water Control Board, State
- March 24**
- † Agriculture and Consumer Services, Department of
- Virginia Dark-Fired Tobacco Board
- Education, Board of
- Employment Dispute Resolution, Department of
- George Mason University
- Nursing, Board of
- Retirement System, Virginia
- Water Control Board, State
- March 25**
- Contractors, Board for
- Environmental Quality, Department of
- Virginia Recycling Markets Development Council
- Game and Inland Fisheries, Board of
- Nursing, Board of
- Pharmacy, Board of
- Real Estate Board
- Retirement System, Virginia
- March 26**
- Compensation Board
- † Dentistry, Board of
- Physical Therapy, Board of
- March 30**
- † Agriculture and Consumer Services, Department of
- Virginia Marine Products Board
- Conservation and Recreation, Department of
- Contractors, Board for
- † Forestry, Board of
- † Funeral Directors and Embalmers, Board of
- Medical Assistance Services, Department of
- Waste Management Facility Operators, Board for
- March 31**
- Real Estate Board
- April 1**
- † Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
- Education, Department of
- Water Control Board, State
- April 2**
- Art and Architectural Review Board
- Education, Department of
- April 6**
- Contractors, Board for
- Museum of Fine Arts, Virginia
- April 7**
- Health, Department of
- Sewage Handling and Disposal Appeal Review Board
- Water Control Board, State
- April 8**
- Nursing, Board of
- † Old Dominion University
- April 9**
- Opticians, Board for
- April 13**
- Blind and Vision Impaired, Board for the
- Contractors, Board for
- Medical Assistance Services, Board of
- Nursing, Board of
- Resources Authority, Virginia

April 14

Medicine, Board of
† Nursing Home Administrators, Board of
† Social Services, State Board of

April 15

Design-Build/Construction Management Review Board
† Social Services, State Board of

April 16

Health Professions, Board of
† Housing and Community Development, Department of
- State Building Code Technical Review Board
† Military Bases, Virginia Commission on

April 19

Barbers and Cosmetology, Board for
Education, Department of
- Advisory Board on Teacher Education and Licensure
Nursing, Board of

April 20

Conservation and Recreation, Department of
† Contractors, Board for
Geology, Board for
† Museum of Fine Arts, Virginia
Nursing, Board of
† Tobacco Settlement Foundation, Virginia

April 21

Cemetery Board
Labor and Industry, Department of
- Safety and Health Codes Board
† Medical Assistance Services, Department of
Nursing and Medicine, Joint Boards of
Retirement System, Virginia

April 22

† Conservation and Recreation, Department of
- Virginia Scenic River Board
† Contractors, Board for

April 26

† Alzheimer's Disease and Related Disorders Commission

April 27

Psychology, Board of

April 28

Education, Board of
Emergency Planning Committee, Local - Roanoke Valley
Water Control Board, State

April 29

Education, Board of
Health, Department of
Nursing, Board of

May 4

Fine Arts, Virginia Museum of

May 5

Contractors, Board for
† Jamestown-Yorktown Foundation

May 6

† Accountancy, Board of
† Medical Assistance Services, Department of
- Drug Utilization Review Board

May 7

Art and Architectural Review Board

May 11

Medical Assistance Services, Department of

May 12

† Fire Services Board, Virginia

May 13

Jamestown-Yorktown Foundation

May 14

Child Fatality Review Team, State
Health, Department of
- State Emergency Medical Services Advisory Board
Jamestown-Yorktown Foundation

May 17

Nursing, Board of

May 18

Conservation and Recreation, Department of
Nursing, Board of

May 19

Asbestos, Lead, and Home Inspectors, Virginia Board for
Community Colleges, State Board for
Nursing, Board of
Retirement System, Virginia

May 20

Community Colleges, State Board for
Design-Build/Construction Management Review Board
Nursing, Board of
Public Guardian and Conservator Advisory Board, Virginia
Retirement System, Virginia

May 25

† Contractors, Board for

May 26

† Education, Board of
Water Control Board, State

June 1

† Retirement System, Virginia

June 2

† Jamestown-Yorktown Foundation

June 3

† Nursing, Board of
† Polygraph Examiners Advisory Board

June 4

† Art and Architectural Review Board

June 7

† Nursing, Board of
† Professional and Occupational Regulation, Board for

June 8

† Alzheimer's Disease and Related Disorders Commission
† Charitable Gaming Board
† Nursing, Board of

PUBLIC HEARINGS

March 11

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

March 23

General Services, Department of

March 24

General Services, Department of
Real Estate Board

March 26

† Physical Therapy, Board of

March 30

General Services, Department of

Calendar of Events

March 31

General Services, Department of
Water Control Board, State

April 1

General Services, Department of

April 13

† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
† Water Control Board, State

April 14

† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board

Soil Scientists, Board for Professional

April 21

Labor and Industry, Department of
- Safety and Health Codes Board

May 12

Waterwork and Wastewater Works Operators, Board for

May 13

Criminal Justice Services Board