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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2004 VAC Supplement includes final regulations published through *Virginia Register* Volume 20, Issue 11, dated February 9, 2004). 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1 VAC 55-20-10	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-20	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-30	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-40	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-50	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-60 through 1 VAC 55-20-90	Amended	20:20 VA.R. 2159-2161	7/16/04
1 VAC 55-20-110	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-120	Repealed	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-130	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-160	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-210	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-230 through 1 VAC 55-20-260	Amended	20:20 VA.R. 2161-2162	7/16/04
1 VAC 55-20-280	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-290	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-300	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-320 through 1 VAC 55-20-410	Amended	20:20 VA.R. 2162-2164	7/16/04
1 VAC 55-20-420	Repealed	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-430	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-450	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-460	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20 (Forms)	Amended	20:20 VA.R. 2164	--
1 VAC 75-40-10 through 1 VAC 75-40-60	Added	20:25 VA.R. 3082	9/22/04
Title 2. Agriculture			
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2 VAC 5-440-80	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440-90	Repealed	20:12 VA.R. 1474	3/25/04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 5-440 (Forms)	Amended	20:12 VA.R. 1474	--
2 VAC 20-30	Erratum	20:25 VA.R. 3111	--
2 VAC 20-30-20	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-30	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-40	Amended	20:23 VA.R. 2541	8/26/04
Title 3. Alcoholic Beverages			
3 VAC 5-30	Erratum	21:1 VA.R. 44	--
3 VAC 5-30	Erratum	21:3 VA.R. 345	--
3 VAC 5-40	Erratum	21:1 VA.R. 44	--
3 VAC 5-40	Erratum	21:3 VA.R. 345	--
3 VAC 5-70	Erratum	21:1 VA.R. 44	--
3 VAC 5-70	Erratum	21:3 VA.R. 345	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 4. Conservation and Natural Resources			
4 VAC 3-20	Repealed	21:3 VA.R. 317	*
4 VAC 5-36-20	Amended	20:13 VA.R. 1604	4/7/04
4 VAC 5-36-50 through 4 VAC 5-36-150	Amended	20:13 VA.R. 1604-1621	4/7/04
4 VAC 5-36-170 through 4 VAC 5-36-210	Amended	20:13 VA.R. 1621-1632	4/7/04
4 VAC 5-36-220	Added	20:13 VA.R. 1632	4/7/04
4 VAC 15-20-100	Amended	21:3 VA.R. 318	10/1/04
4 VAC 15-40-280	Amended	21:1 VA.R. 24	10/20/04
4 VAC 15-50-81	Amended	20:23 VA.R. 2542	8/25/04
4 VAC 15-50-91	Amended	20:23 VA.R. 2543	8/25/04
4 VAC 15-90-231	Amended	20:23 VA.R. 2543	8/25/04
4 VAC 15-90-241	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-81	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-91	Amended	20:23 VA.R. 2545	8/25/04
4 VAC 15-260-10	Amended	20:25 VA.R. 3082	7/28/04
4 VAC 15-320-100	Amended	21:1 VA.R. 24	9/20/04
4 VAC 20-20-50	Amended	20:14 VA.R. 1709	3/1/04
4 VAC 20-270-20	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-270-30	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-270-30	Amended	20:26 VA.R. 3191	8/6/04
4 VAC 20-320-10	Amended	20:26 VA.R. 3191	8/6/04
4 VAC 20-320-70	Amended	20:26 VA.R. 3192	8/6/04
4 VAC 20-320-80	Amended	20:26 VA.R. 3192	8/6/04
4 VAC 20-490-10 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-20 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35 emer	Repealed	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-40 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-40	Amended	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-45 emer	Repealed	20:18 VA.R. 2025	5/1/04-5/30/04
4 VAC 20-490-45	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-564-10 through 4 VAC 20-564-50 emer	Added	20:25 VA.R. 3096	8/16/04-9/3/04
4 VAC 20-620-50	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-620-60	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-720-20	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-40	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-48 emer	Added	20:14 VA.R. 1714	3/1/04-3/31/04
4 VAC 20-720-50	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-60	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-80	Amended	20:14 VA.R. 1712	3/1/04
4 VAC 20-750-10	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-750-20	Repealed	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-30	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-40	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-910-45	Amended	20:16 VA.R. 1864	4/1/04
4 VAC 20-920-20	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-920-40	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-950-45	Amended	20:16 VA.R. 1864	4/1/04
4 VAC 20-950-48 emer	Amended	21:3 VA.R. 334	9/29/04-10/30/04
4 VAC 20-1040-20	Amended	20:19 VA.R. 2060	5/1/04
4 VAC 25-20-20	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-30	Amended	20:23 VA.R. 2547	8/25/04

* January 1, 2005, or 30 days after U.S. EPA approval, whichever is the latter.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-20-40	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-50	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-70	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-90	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-100	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-110	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-140	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-190	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-200	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-210	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-220	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-250	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-255	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-259	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-390	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-410	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-430	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-31 (Forms)	Amended	20:15 VA.R. 1784-1792	--
4 VAC 25-31 (Forms)	Amended	21:1 VA.R. 28	--
4 VAC 25-35-10 through 4 VAC 25-35-40	Amended	20:23 VA.R. 2549-2550	8/25/04
4 VAC 25-35-75	Added	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-80	Amended	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-100	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-110	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-120	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-125-10 through 4 VAC 25-125-40	Added	20:23 VA.R. 2552-2553	8/25/04
4 VAC 25-130-801.17	Amended	20:23 VA.R. 2625	10/12/04
4 VAC 25-130-801.18	Amended	20:23 VA.R. 2626	10/12/04
4 VAC 25-130 (Forms)	Amended	20:19 VA.R. 2081-2083	--
4 VAC 25-130 (Forms)	Amended	21:2 VA.R. 225	--
4 VAC 50-60-10 through 4 VAC 50-60-1240	Added	21:3 VA.R. 317	*
Title 6. Criminal Justice and Corrections			
6 VAC 20-190-10	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-50	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-150	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-160	Amended	21:2 VA.R. 128	11/3/04
6 VAC 20-210-10 through 6 VAC 20-210-110	Added	20:23 VA.R. 2554-2555	8/26/04
6 VAC 20-240-10 through 6 VAC 20-240-140 emer	Added	20:25 VA.R. 3097-3102	8/23/04-8/22/05
6 VAC 35-160-10 through 6 VAC 35-160-390	Added	20:23 VA.R. 2555-2562	8/25/04
Title 8. Education			
8 VAC 20-140-10	Repealed	21:3 VA.R. 332	1/1/05
8 VAC 20-340-10	Amended	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-20	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-30	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-670-10 through 8 VAC 20-670-440	Added	20:24 VA.R. 2892-2898	9/10/04
8 VAC 40-130-10	Amended	20:23 VA.R. 2562	7/26/04
8 VAC 40-130-25	Amended	20:23 VA.R. 2563	7/26/04
Title 9. Environment			
9 VAC 5-20-21	Amended	20:12 VA.R. 1476	3/24/04
9 VAC 5-20-204	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-204	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-20-205	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-205	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-20-206 (Rev. G02)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-20-206 (Rev. C03)	Amended	20:12 VA.R. 1498	3/24/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-30-10	Amended	20:24 VA.R. 2898	9/8/04
9 VAC 5-30-30 through 9 VAC 5-30-50	Amended	20:24 VA.R. 2898-2900	9/8/04
9 VAC 5-30-55	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-60	Amended	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-65	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-70	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-30-80	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-40-240	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-310	Erratum	20:15 VA.R. 1809	--
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 5-40-6820 through 9 VAC 5-40-7230	Added	20:12 VA.R. 1480-1497	3/24/04
9 VAC 5-40-6840	Erratum	20:18 VA.R. 2027	--
9 VAC 5-50-400	Amended	20:16 VA.R. 1865	6/1/04
9 VAC 5-50-405	Added	20:16 VA.R. 1865	6/1/04
9 VAC 5-50-410	Amended	20:16 VA.R. 1865	6/1/04
9 VAC 5-60-60	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-65	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-90	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-91	Added	20:24 VA.R. 2900	9/8/04
9 VAC 5-60-95	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-100	Amended	20:16 VA.R. 1872	6/1/04
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	20:16 VA.R. 1877-1889	7/1/04
9 VAC 5-80-2250 through 9 VAC 5-80-2300	Added	20:23 VA.R. 2566-2567	7/1/04
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
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 5-140-550	Amended	20:12 VA.R. 1504	3/24/04
9 VAC 20-60-18	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-18	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 20-60-262	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-270	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-315	Amended	20:23 VA.R. 2570	7/1/04
9 VAC 20-60-1260	Amended	20:23 VA.R. 2571	7/1/04
9 VAC 20-60-1270	Amended	20:23 VA.R. 2571	7/1/04
9 VAC 20-60-1280	Amended	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1283	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1284	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1285	Amended	20:23 VA.R. 2574	7/1/04
9 VAC 20-60-1286	Added	20:23 VA.R. 2575	7/1/04
9 VAC 20-90-10	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-30	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-50	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-60	Amended	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-65	Added	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-70	Amended	20:23 VA.R. 2578	7/1/04
9 VAC 20-90-90	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-100	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-110	Amended	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-115	Added	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-117	Added	20:23 VA.R. 2581	7/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-90-120	Amended	20:23 VA.R. 2581	7/1/04
9 VAC 20-90-130	Added	20:23 VA.R. 2583	7/1/04
9 VAC 20-110-90	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 20-110-110	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 25-20-10 through 9 VAC 25-20-80	Amended	20:23 VA.R. 2584-2586	7/1/04
9 VAC 25-20-100 through 9 VAC 25-20-130	Amended	20:23 VA.R. 2586-2591	7/1/04
9 VAC 25-20-140	Repealed	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-142	Added	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-145	Added	20:23 VA.R. 2592	7/1/04
9 VAC 25-31-10	Amended	21:2 VA.R. 128	11/3/04
9 VAC 25-31-30	Amended	21:2 VA.R. 139	11/3/04
9 VAC 25-31-100	Amended	21:2 VA.R. 140	11/3/04
9 VAC 25-31-130	Amended	21:2 VA.R. 158	11/3/04
9 VAC 25-31-170	Amended	21:2 VA.R. 160	11/3/04
9 VAC 25-31-200	Amended	21:2 VA.R. 162	11/3/04
9 VAC 25-71-10	Amended	21:2 VA.R. 165	11/3/04
9 VAC 25-71-60	Amended	21:2 VA.R. 166	11/3/04
9 VAC 25-101-30	Amended	21:2 VA.R. 166	11/3/04
9 VAC 25-101-35	Added	21:2 VA.R. 167	11/3/04
9 VAC 25-101-40	Amended	21:2 VA.R. 167	11/3/04
9 VAC 25-101-45	Added	21:2 VA.R. 170	11/3/04
9 VAC 25-101-50	Amended	21:2 VA.R. 170	11/3/04
9 VAC 25-101-60	Amended	21:2 VA.R. 172	11/3/04
9 VAC 25-101-70	Amended	21:2 VA.R. 172	11/3/04
9 VAC 25-151-10	Amended	20:16 VA.R. 1889	7/1/04
9 VAC 25-151-40 through 9 VAC 25-151-370	Amended	20:16 VA.R. 1889-1890	7/1/04
9 VAC 25-151-65	Added	20:16 VA.R. 1889	7/1/04
9 VAC 25-151-140	Amended	21:2 VA.R. 173	11/3/04
9 VAC 25-151-150	Amended	21:2 VA.R. 175	11/3/04
9 VAC 25-151-160	Amended	21:2 VA.R. 179	11/3/04
9 VAC 25-151-180	Amended	21:2 VA.R. 179	11/3/04
9 VAC 25-151-230	Amended	21:2 VA.R. 181	11/3/04
9 VAC 25-151-280	Amended	21:2 VA.R. 182	11/3/04
9 VAC 25-180-10	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-20	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-40	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-50	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-55	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-60	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-65	Added	20:16 VA.R. 1893	7/1/04
9 VAC 25-180-70	Amended	20:16 VA.R. 1894	7/1/04
9 VAC 25-180 (Forms)	Amended	20:16 VA.R. 1906	--
9 VAC 25-190-10	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-20	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-50	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-60	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-70	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-191-10 through 9 VAC 25-191-50	Added	21:2 VA.R. 183-198	11/3/04
9 VAC 25-192-10	Amended	21:2 VA.R. 199	11/3/04
9 VAC 25-192-20	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-30	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-40	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-50	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-60	Amended	21:2 VA.R. 201	11/3/04
9 VAC 25-192-70	Amended	21:2 VA.R. 202	11/3/04
9 VAC 25-400-10	Repealed	20:25 VA.R. 3083	9/22/04

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-401-10 through 9 VAC 25-401-50	Added	20:25 VA.R. 3083	9/22/04
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 25-590-60	Erratum	20:17 VA.R. 1984	--
9 VAC 25-630-10	Amended	21:2 VA.R. 211	11/3/04
9 VAC 25-630-20	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-630-30	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-630-50	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-720-50	Amended	20:24 VA.R. 2903	9/8/04
9 VAC 25-720-60	Amended	20:24 VA.R. 2910	9/8/04
9 VAC 25-720-90	Amended	20:24 VA.R. 2918	9/8/04
9 VAC 25-720-130	Amended	20:24 VA.R. 2920	9/8/04
9 VAC 25-770	Erratum	20:24 VA.R. 2981	--
9 VAC 25-770-10 through 9 VAC 25-770-180	Added	20:23 VA.R. 2593-2596	8/25/04
9 VAC 25-790	Erratum	20:12 VA.R. 1526	--
Title 10. Finance and Financial Institutions			
10 VAC 5-40-40	Added	20:14 VA.R. 1713	3/1/04
10 VAC 5-200-100	Added	20:22 VA.R. 2403	6/15/04
Title 11. Gaming			
11 VAC 10-20-190	Amended	20:23 VA.R. 2598	8/25/04
11 VAC 10-20-200	Amended	20:25 VA.R. 3083	9/23/04
11 VAC 10-20-220	Amended	20:23 VA.R. 2596	8/25/04
11 VAC 10-20-240 emer	Amended	20:25 VA.R. 3102	7/28/04-7/27/05
11 VAC 10-45	Erratum	20:25 VA.R. 3112	--
11 VAC 10-45-10 through 11 VAC 10-45-70	Added	20:22 VA.R. 2413-2417	9/27/04
Title 12. Health			
12 VAC 5-90-10	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-40	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-80	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-90	Amended	20:21 VA.R. 2234	7/28/04
12 VAC 5-90-100	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-110	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-160	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-180	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-225	Added	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-280 through 12 VAC 5-90-360	Added	20:21 VA.R. 2238	7/28/04
12 VAC 5-125-10 through 12 VAC 5-125-120 emer	Added	20:21 VA.R. 2252-2264	6/1/04-5/31/05
12 VAC 5-200-10 through 12 VAC 5-200-50	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-70	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-80 through 12 VAC 5-200-190	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-105	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-210	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-220	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-230	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-270	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-280	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-290	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-10	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-20	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-220-10	Amended	20:26 VA.R. 3193	9/27/04
12 VAC 5-220-160	Amended	20:26 VA.R. 3196	9/27/04

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12 VAC 5-220-230	Amended	20:26 VA.R. 3197	9/27/04
12 VAC 5-220-385	Amended	20:26 VA.R. 3198	9/27/04
12 VAC 5-371-110	Amended	20:26 VA.R. 3200	9/27/04
12 VAC 30-40-235	Added	20:19 VA.R. 2060	8/1/04
12 VAC 30-40-280	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-290	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-345	Amended	20:22 VA.R. 2422	9/25/04
12 VAC 30-50-130 emer	Amended	20:23 VA.R. 2630	7/1/04-6/30/05
12 VAC 30-50-140	Amended	20:19 VA.R. 2062	7/1/04
12 VAC 30-50-150	Amended	20:19 VA.R. 2063	7/1/04
12 VAC 30-50-180	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-50-210 emer	Amended	20:19 VA.R. 2075	5/11/04-1/3/05
12 VAC 30-60-40	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-60-61 emer	Amended	20:23 VA.R. 2632	7/1/04-6/30/05
12 VAC 30-60-320	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-70-271	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-70-291	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-291 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-301	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-301 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-331	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-391 emer	Amended	20:24 VA.R. 2969	9/1/04-8/31/05
12 VAC 30-80-20	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-80-30	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-80-190 emer	Amended	20:26 VA.R. 3203	9/1/04-8/31/05
12 VAC 30-80-190 emer	Amended	20:26 VA.R. 3204	9/1/04-8/31/05
12 VAC 30-80-200	Added	20:19 VA.R. 2071	7/1/04
12 VAC 30-90-29	Amended	21:2 VA.R. 223	11/3/04
12 VAC 30-90-264	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-90-271	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-130-620	Amended	20:19 VA.R. 2061	8/1/04
12 VAC 30-130-860 through 12 VAC 30-130-890 emer	Amended	20:23 VA.R. 2633-2638	7/1/04-6/30/05
12 VAC 30-130-1000 emer	Amended	20:19 VA.R. 2077	5/11/04-1/3/05
12 VAC 30-141-500 emer	Amended	20:17 VA.R. 1974	6/1/04-5/31/05
Title 13. Housing			
13 VAC 5-51-134 emer	Added	20:24 VA.R. 2970	7/8/04-7/7/05
13 VAC 5-62-260	Amended	20:25 VA.R. 3084	9/8/04
Title 14. Insurance			
14 VAC 5-90-10 through 14 VAC 5-90-50	Amended	20:25 VA.R. 3090-3091	8/4/04
14 VAC 5-90-30	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-55	Added	20:25 VA.R. 3091	8/4/04
14 VAC 5-90-60 through 14 VAC 5-90-180	Amended	20:25 VA.R. 3092	8/4/04
14 VAC 5-90-60	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-70	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-130	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-170	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90 (Forms)	Amended	20:25 VA.R. 3092	8/4/04
14 VAC 5-321-10 through 14 VAC 5-321-60	Added	20:16 VA.R. 1906-1909	7/1/04
14 VAC 5-335-10 through 14 VAC 5-335-60	Added	20:21 VA.R. 2240-2242	1/1/05
Title 16. Labor and Employment			
16 VAC 25-40-10	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-20	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-50	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910	Erratum	21:1 VA.R. 44	--
16 VAC 25-90-1910, Appendix C of Subpart T of Part 1910	Added	20:19 VA.R. 2073	7/1/04

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16 VAC 25-90-1910.103	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.217	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.219	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.268	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.401	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-90-1910.402	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-90-1926.307	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-145-10 through 16 VAC 25-145-50	Added	20:12 VA.R. 1505-1506	4/1/04
16 VAC 25-175-1926	Erratum	21:1 VA.R. 44	--
Title 18. Professional and Occupational Licensing			
18 VAC 5-30	Repealed	21:3 VA.R. 318	11/3/04
18 VAC 10-20-60	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-90	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-170	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-280	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-400	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-520	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-565	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-580	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-625	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-630	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-665	Amended	21:3 VA.R. 318	12/1/04
18 VAC 15-30-420	Amended	20:24 VA.R. 2924	9/8/04
18 VAC 15-30-820	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 15-30 (Forms)	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 30-20-80	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-150	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-160	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-290 emer	Added	20:23 VA.R. 2638	8/25/04-8/24/05
18 VAC 30-20-320	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 41-30-10 through 18 VAC 41-30-250 emer	Added	20:23 VA.R. 2639-2650	7/1/04-6/30/05
18 VAC 41-40-10 through 18 VAC 41-40-260	Added	20:19 VA.R. 2074	7/1/04
18 VAC 41-50-10 through 18 VAC 41-50-220 emer	Added	20:23 VA.R. 2651-2662	7/1/04-6/30/05
18 VAC 45-10-10 through 18 VAC 45-10-40	Amended	20:25 VA.R. 3093-3094	11/8/04
18 VAC 45-10-60 through 18 VAC 45-10-90	Amended	20:25 VA.R. 3094-3095	11/8/04
18 VAC 60-20-17 emer	Added	20:23 VA.R. 2663	8/25/04-8/24/05
18 VAC 60-20-20 emer	Amended	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20-91 emer	Added	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20 (Forms) emer	Amended	20:24 VA.R. 2972	7/15/04-7/14/05
18 VAC 62-20	Erratum	21:1 VA.R. 44	--
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 62-20-40 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05
18 VAC 62-20-90 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05
18 VAC 65-20-15 emer	Added	20:24 VA.R. 2973	7/15/04-7/14/05
18 VAC 65-30-50	Amended	20:21 VA.R. 2242	7/28/04
18 VAC 76-40-10	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-20	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-30	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40 (Forms)	Amended	20:21 VA.R. 2243	7/28/04
18 VAC 80-10-10 through 18 VAC 80-10-90	Amended	20:23 VA.R. 2628-2629	10/9/04
18 VAC 85-15-10	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-20	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-30	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-20-22	Amended	20:20 VA.R. 2165	7/14/04
18 VAC 85-20 (Forms)	Amended	20:20 VA.R. 2165	--
18 VAC 85-80-61 emer	Added	20:25 VA.R. 3105	7/27/04-7/26/05

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18 VAC 85-120-10 through 18 VAC 85-120-150	Amended	20:23 VA.R. 2599-2601	8/25/04
18 VAC 85-120-75	Added	20:24 VA.R. 2928	9/8/04
18 VAC 85-120 (Forms)	Amended	20:24 VA.R. 2928	9/8/04
18 VAC 90-15-10	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-15-20	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-15-30	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-20-10 emer	Amended	20:22 VA.R. 2424	6/24/04-6/23/05
18 VAC 90-20-10	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-30	Amended	20:20 VA.R. 2166	7/14/04
18 VAC 90-20-35	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-40	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-50	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-60	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-65	Added	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-95	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-120	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-140	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-160	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-170	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-181 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-182 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-183 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-190	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-200	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-220	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-230	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-270	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-280	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-300 emer	Amended	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-300	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-310 through 18 VAC 90-20-360	Repealed	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-390	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-410	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-460	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20 (Forms)	Amended	20:24 VA.R. 2930	9/8/04
18 VAC 90-25-10 through 18 VAC 90-25-100	Added	20:24 VA.R. 2931-2934	9/8/04
18 VAC 90-25 (Forms)	Amended	20:24 VA.R. 2934	9/8/04
18 VAC 90-30-80 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-100 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-110 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-120 emer	Amended	20:24 VA.R. 2975	7/15/04-7/14/05
18 VAC 95-20-471 emer	Added	20:25 VA.R. 3105	7/28/04-7/27/05
18 VAC 105-20-41 emer	Added	20:24 VA.R. 2975	8/25/04-8/24/05
18 VAC 110-20-10 through 18 VAC 110-20-40	Amended	20:23 VA.R. 2602-2604	8/25/04
18 VAC 110-20-15 emer	Added	20:24 VA.R. 2976	7/15/04-7/14/05
18 VAC 110-20-60	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-70	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-80	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-90	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-105	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-110	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-120	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-121	Added	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-130 through 18 VAC 110-20-220	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-240	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-250	Amended	20:23 VA.R. 2606	8/25/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-280	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-285	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-330	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-350	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-355	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-360	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-370	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-380	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-410	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-412	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-415	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-420	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-440	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-450	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-460	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-470	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-480	Repealed	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-490	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-500	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-510	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-530	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-540	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-550	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-555	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-590	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-680 through 18 VAC 110-20-710	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-720	Amended	20:18 VA.R. 2021	7/1/04
18 VAC 112-20-10	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-20	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-26 emer	Added	20:23 VA.R. 2664	8/25/04-8/24/05
18 VAC 112-20-40	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-50	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-60	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-65	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-70	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-80	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-90	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-100	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-110	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-120	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-130	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20 (Forms)	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-15-10 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-20 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-30 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-20-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-105	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-106	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-107	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-140	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-50-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-90	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-95	Added	20:24 VA.R. 2936	9/8/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-50-96	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-97	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-60-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-115	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-116	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-117	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-140	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 120-10-100	Erratum	20:13 VA.R. 1644	--
18 VAC 125-15-10 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-20 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-30 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 135-20-80	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-120	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-140	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-370	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 140-20-171 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 145-20-151	Amended	21:3 VA.R. 319	12/1/04
18 VAC 145-30-10 through 18 VAC 145-30-160	Added	20:20 VA.R. 2167-2170	7/14/04
18 VAC 145-30 (Forms)	Amended	20:20 VA.R. 2170	--
18 VAC 150-20-10	Amended	20:24 VA.R. 2966	10/23/04
18 VAC 150-20-15 emer	Added	20:23 VA.R. 2666	8/25/04-8/24/05
18 VAC 150-20 (Forms)	Amended	20:24 VA.R. 2967	10/23/04
18 VAC 160-20-102	Amended	21:3 VA.R. 319	12/1/04
Title 20. Public Utilities and Telecommunications			
20 VAC 5-309-15	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-20	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-40	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-70	Amended	20:15 VA.R. 1782	3/12/04
20 VAC 5-309-110	Amended	20:15 VA.R. 1782	3/12/04
20 VAC 5-309-140	Amended	20:15 VA.R. 1783	3/12/04
20 VAC 5-419-10 through 20 VAC 5-419-40	Amended	20:24 VA.R. 2939-2942	7/21/04
20 VAC 5-425-10 through 20 VAC 5-425-50	Added	20:23 VA.R. 2611-2613	7/1/04
Title 22. Social Services			
22 VAC 15-20-10 through 22 VAC 15-20-380	Repealed	20:24 VA.R. 2942-2943	11/1/04
22 VAC 15-50-10 through 22 VAC 15-50-70	Repealed	20:24 VA.R. 2943	10/1/04
22 VAC 15-51-10 through 22 VAC 15-51-80	Added	20:24 VA.R. 2943-2948	10/1/04
22 VAC 30-50-30	Amended	20:18 VA.R. 2022	6/18/04
22 VAC 40-32	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-80-10	Amended	20:24 VA.R. 2948	11/1/04
22 VAC 40-80-30 through 22 VAC 40-80-60	Amended	20:24 VA.R. 2950-2951	11/1/04
22 VAC 40-80-80 through 22 VAC 40-80-210	Amended	20:24 VA.R. 2951-2955	11/1/04
22 VAC 40-80-220	Repealed	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-230	Amended	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-240	Amended	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-260	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-270	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-290	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-300	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-310	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-330	Amended	20:24 VA.R. 2957	11/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-80-340	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-350	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-360	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-370	Amended	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-375	Added	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-380	Repealed	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-390 through 22 VAC 40-80-520	Added	20:24 VA.R. 2959-2964	11/1/04
22 VAC 40-180 (Forms)	Amended	20:21 VA.R. 2265-2268	--
22 VAC 40-190	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191-40	Amended	20:22 VA.R. 2404	9/1/04
22 VAC 40-191-50	Amended	20:22 VA.R. 2407	9/1/04
22 VAC 40-290-10	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-293-10	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-293-20	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-295-10 through 22 VAC 40-295-170	Added	20:23 VA.R. 2614-2620	9/1/04
22 VAC 40-300	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-310	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-320	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-330-10	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-330-20	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-340-10	Amended	20:23 VA.R. 2621	9/1/04
22 VAC 40-350	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-360	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-370	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-380	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-390	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-420	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-430	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-440	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-450	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-460	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-490	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-500	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-510	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-520	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-530	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-550	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-580	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-590	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-610	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-620	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-650	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-740-10 through 22 VAC 40-740-60	Amended	20:20 VA.R. 2175-2178	8/1/04
22 VAC 40-740 (Forms)	Amended	20:20 VA.R. 2178	--
22 VAC 40-750	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-760	Repealed	20:23 VA.R. 2614	9/1/04
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70	Repealed	20:25 VA.R. 3092	9/22/04
24 VAC 20-100-10	Amended	20:21 VA.R. 2246	7/1/04
24 VAC 20-100-130	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-160	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-190 through 24 VAC 20-100-220	Amended	20:21 VA.R. 2247-2248	7/1/04
24 VAC 20-100-290 through 24 VAC 20-100-330	Amended	20:21 VA.R. 2248-2249	7/1/04
24 VAC 20-100-350	Amended	20:21 VA.R. 2249	7/1/04
24 VAC 20-100-370 through 24 VAC 20-100-460	Amended	20:21 VA.R. 2249-2250	7/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 20-100-490 through 24 VAC 20-100-540	Amended	20:21 VA.R. 2250-2251	7/1/04
24 VAC 20-100-550	Added	20:21 VA.R. 2251	7/1/04
24 VAC 20-100 (Forms)	Amended	20:21 VA.R. 2251	7/1/04
24 VAC 30-120-170	Amended	21:3 VA.R. 330	11/17/04
24 VAC 30-380-10	Amended	20:13 VA.R. 1633	2/12/04

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 8. EDUCATION

LONGWOOD UNIVERSITY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that Longwood University intends to consider repealing regulations entitled **8 VAC 50-10, Motor Vehicle Parking and Traffic Rules and Regulations**. The purpose of the proposed action is to repeal the regulation as it has been determined that the regulation should become a guidance document.

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

Statutory Authority: § 23-188 of the Code of Virginia.

Public comments may be submitted until November 22, 2004.

Contact: Jennifer Conkwright, Administrative Staff Assistant, Longwood University, 201 High St., Farmville, VA 23909-1899, telephone (434) 395-2019, FAX (434) 395-2635 or e-mail conkwrightjg@longwood.edu.

VA.R. Doc. No. R05-35; Filed September 28, 2004, 8:15 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION 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 Air Pollution Control Board intends to consider amending regulations entitled **9 VAC 5-40, Existing Stationary Sources**. The purpose of the proposed action is to reduce emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO_x) from open burning and special incineration devices in Virginia's emissions control areas in order to attain and maintain the federal health-based air quality standard for ozone and nitrogen oxides.

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

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

Public comments may be submitted until 5 p.m. on November 10, 2004.

Contact: Mary L. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510 or e-mail mlmajor@deq.virginia.gov.

VA.R. Doc. No. R05-24; Filed September 15, 2004, 11:20 a.m.

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled **9 VAC 20-85, Regulation Governing Management of Coal Combustion By-Products**. The purpose of the proposed action is to include (i) provisions for fossil fuel combustion products; (ii) the possibility of eliminating the regulation and placing all provisions of the regulation into the Virginia Solid Waste Management Regulations (VSWMR), or removing the provisions addressing coal ash from the VSWMR and consolidating the provisions in this regulation; and (iii) additional issues that are identified during the NOIRA comment period, the technical advisory committee meetings, and during the public comment period.

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

Statutory Authority: §§ 10.1-1402 and 10.1-1408.1 et seq. of the Code of Virginia, 42 USC § 6941 et seq., and 40 CFR Part 257.

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

Contact: Michael Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, or e-mail: mjdieter@deq.virginia.gov.

VA.R. Doc. No. R05-25; Filed September 16, 2004, 11:44 a.m.

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 25-260, 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 Cowpasture River and Simpson Creek as Exceptional State Waters.

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 and federal Clean Water Act (33 USC § 1251 et seq.), 40 CFR Part 131.

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

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail jwgregory@deq.virginia.gov.

VA.R. Doc. No. R05-26; Filed September 15, 2004, 11:20 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled **12 VAC 5-90, Regulations for Disease Reporting and Control**. The purpose of the proposed action is to update reporting requirements; update lab, TB and HIV requirements; update vaccine-preventable and toxic substances provisions; and establish new isolation and quarantine requirements.

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

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

Public comments may be submitted until 5 p.m. on December 1, 2004.

Contact: Diane Woolard, Ph.D., Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-8142 or e-mail diane.woolard@vdh.virginia.gov.

VA.R. Doc. No. R05-47; Filed October 13, 2004, 2:42 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider repealing regulations entitled **12 VAC 5-190, State Plan for the Provision of Children's Specialty Services**; and adopting regulations entitled **12 VAC 5-191, State Plan for the Children with Special Health Care Needs Program**. The purpose of the proposed action is to replace the current State Plan for the Provision of Children's Specialty Services with the State Plan for the Children with Special Health Care Needs Program.

The current regulations do not adequately address the existing model for providing services to children with special health care needs. With the expansion of publicly financed health care coverage for children with special health care needs, the growth of managed care delivery systems, and a federal emphasis on developing systems of care that provide

family-centered care coordination and services, the Virginia Department of Health (VDH) discontinued the diagnosis-based, clinic direct service, Children's Specialty Services Program starting in 2000. Based upon results from a 1999 comprehensive needs assessment with families of children with special health care needs, changing federal emphasis, and examination of successful service delivery models, the state Children with Special Health Care Needs Program now contracts with local entities to manage five regional Centers of Excellence known as Care Connection for Children Centers. The sixth center is managed by the Children with Special Health Care Needs Program. Care Connection for Children Centers are affiliated with major hospitals and universities with the capacity to provide pediatric specialty care. These centers provide care coordination, including family-to-family support and health insurance benefits counseling, to any resident of Virginia under age 21 with a chronic physical condition. In addition, the Children with Special Health Care Needs Program continues to administer a limited pool of funds to assist with payment of services for uninsured and underinsured children with special health care needs. The new regulations will amend the state plan to meet the program's expanded and modified model of care and to address program requirements for access to the pool of funds, which is not an entitlement and subject to availability of funds.

VDH continues to operate child development clinics across the state, another service under the Children with Special Health Care Needs Program. The Children with Special Health Care Needs Program also administers the state-mandated Bleeding Disorders (Hemophilia) Program. The replacement regulations will provide a state plan for administration, eligibility, and scope of these two programs.

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

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

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

Contact: Bob Swander, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7649 or e-mail bob.swander@vdh.virginia.gov.

VA.R. Doc. No. R05-21; Filed September 13, 2004, 3:51 p.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled **12 VAC 35-210, Regulations to Govern Temporary Leave from State Mental Health and State Mental Retardation Facilities**. The purpose of the proposed action is to promulgate a new regulation to govern practices related to temporary absences or leave from state mental health and mental retardation facilities under § 37.1-98 B of the Code of Virginia.

Notices of Intended Regulatory Action

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

Statutory Authority: §§ 37.1-10 and 37.1-98 of the Code of Virginia.

Public comments may be submitted until November 19, 2004.

Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank St., P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252, FAX (804) 371-0092 or e-mail wendy.brown@co.dmhmrsas.virginia.gov.

VA.R. Doc. No. R05-30; Filed September 20, 2004, 11:50 a.m.

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

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 5 p.m. on December 1, 2004.

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 or e-mail elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R05-46; Filed October 13, 2004, 9:55 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-30, Regulations for Practitioners of the Healing Arts to Sell Controlled Substances**. The purpose of the proposed action is to conform and update requirements for physicians selling drugs in their practice consistent with regulations for the practice of pharmacy.

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

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

Public comments may be submitted until 5 p.m. on December 1, 2004.

Contact: Elizabeth Scott Russell, R.Ph., Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313 or e-mail elizabeth.russell@dhp.virginia.gov.

VA.R. Doc. No. R05-45; Filed October 13, 2004, 9:55 a.m.

BOARD OF PHYSICAL THERAPY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 112-20, Regulations Governing the Practice of Physical Therapy**. The purpose of the proposed action is to consider acceptance of organizations other than the Foreign Credentialing Commission on Physical Therapy (FCCPT) for credentialing applicants for physical therapy licensure who are graduates of schools that are not approved or accredited.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Motor Vehicles intends to consider repealing regulations entitled **24 VAC 20-120, Commercial Driver Training School Regulations** and adopting regulations entitled **24 VAC 20-121, Driver Training School Regulations**. The purpose of the proposed action is to ensure that graduates of Class A (commercial vehicle training) and Class B (passenger vehicle training) driver training schools licensed by the Department of Motor Vehicles (DMV) are adequately prepared to safely and independently operate motor vehicles on the public roadways. The overall goals are to (i) strengthen DMV training school standards and develop additional standards to ensure that the instruction provided is uniform and meets all established requirements; (ii) strengthen DMV's oversight process to ensure that reviews of training documentation are consistent, evaluation of school curricula are expanded, and school audits are more comprehensive and less burdensome on driver training course providers; and (iii) implement additional changes intended to ensure that consistently high quality instruction is provided across the driver training school system and that the learning environment for younger students is safe, secure and peer-oriented.

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

Statutory Authority: §§ 46.2-203 and 46.2-1703 of the Code of Virginia.

Public comments may be submitted until November 3, 2004.

Contact: Marc Copeland, Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23269-0001, telephone (804) 435-5137, FAX (804) 367-6631 or e-mail commish@dmv.state.va.us.

VA.R. Doc. No. R05-19; Filed September 13, 2004, 1:49 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 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF OPTOMETRY

REPROPOSED

REGISTRAR'S NOTICE: The Board of Optometry is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 14 of the Code of Virginia, which exempts the Board of Optometry from the Administrative Process Act when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

At its October 6, 2004, meeting, the board made a significant number of changes to the two sections originally proposed in 21:1 VA.R. 22-23 September 20, 2004, and is soliciting comments on these changes for an additional 30 days. Changes in the proposed regulations that were adopted by the Board of Optometry on October 6, 2004, are bracketed. Public comments will be received until December 1, 2004.

Title of Regulation: 18 VAC 105-20. Regulations Governing the Practice of Optometry (adding 18 VAC 105-20-46 and 18 VAC 105-20-47).

Statutory Authority: § 54.1-3223 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until December 1, 2004.

(See Calendar of Events section for additional information)

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

Additional Information:

The Board of Optometry is amending this chapter under an exemption from the Administrative Process Act and under a process specified in § 54.1-3223 of the Code of Virginia. In the promulgation of a regulatory action to amend the treatment guidelines for the use of therapeutic pharmaceutical agents (TPA) and the formulary of drugs that can be used by TPA-certified optometrists, the board is required to receive a recommendation from a TPA Formulary Committee (which includes optometrists, ophthalmologists, and a pharmacist), notify all TPA-certified optometrists and other interested parties, and send notice to

the Registrar of Regulations. Proposed regulations were published in 21:1 VA.R. 22-23 September 20, 2004, and a public hearing was held on the proposal on October 6, 2004.

At its meeting on October 6, 2004, the board made a significant number of changes to the proposal and is publishing the revised proposed regulations to allow an additional 30 days of public comment.

Summary:

The repropoed action revises the treatment guidelines for the use of therapeutic pharmaceutical agents (TPA) by TPA-certified optometrists. The amendments provide categories of drugs that may be procured, administered and prescribed rather than a list of specific drugs on the formulary.

Changes made since the proposed regulations were published include the following:

1. In subsection A of the treatment guidelines (18 VAC 105-20-46), the listing of specific structures of the human eye is deleted because the board determined that the current listing of structures was not inclusive and was unnecessary. To clarify the extent of the adnexa that is appropriate for treatment by an optometrist, a definition of adnexa is added.

2. In subsection B of the treatment guidelines, a definition of angle closure glaucoma is added in order to distinguish angle closure glaucoma from narrow angle glaucoma, which an optometrist can treat without restriction.

3. In the formulary of TPA drugs (18 VAC 105-20-47), the board has added the term "medically appropriate" before "therapeutic pharmaceutical agents" for consistency with the treatment guidelines.

18 VAC 105-20-46. Treatment guidelines for [TPA certification TPA-certified optometrists].

A. TPA-certified optometrists may treat diseases and abnormal conditions of the [following structures of the] human eye and its adnexa that may be [appropriately] treated with [medically appropriate] pharmaceutical agents as referenced in 18 VAC 105-20-47 [∴. The adnexa is defined as conjoined, subordinate or immediately associated anatomic parts of the human eye, including eyelids and eyebrows.

1. Lids and adnexa;

2. Lacrimal system;

3. Cornea;

4. Conjunctiva; and

5. Episclera.]

B. In addition, the following may be treated:

Proposed Regulations

1. *Glaucoma (excluding the treatment of congenital and infantile glaucoma). Treatment of angle closure shall follow the [definition and] protocol prescribed in subsection C of this section.*

2. *Ocular-related post-operative care in cooperation with patient's surgeon.*

3. *Ocular trauma to the above tissues as in subsection A of this section.*

4. *Uveitis.*

5. *Anaphylactic shock (limited to the administration of intramuscular epinephrine).*

C. *The [definition and] protocol for treatment of angle closure glaucoma shall be as follows:*

1. *[As used in this chapter, angle closure glaucoma shall mean a closed angle in the involved eye with significantly increased intraocular pressure, and corneal microcystic edema;*

2. *] Treatment shall be limited to the initiation of immediate emergency care with appropriate pharmaceutical agents as prescribed by this chapter;*

~~[2. 3.]~~ *Once the diagnosis of [~~acute~~] angle closure glaucoma has been established by the optometrist, the ophthalmologist to whom the patient is to be referred should be contacted immediately;*

~~[3. 4.]~~ *If there are no medical contraindications, an oral osmotic agent may be administered as well as an oral carbonic anhydrase inhibitor and any other medically accepted, Schedule III, IV or VI, oral antiglaucomic agent as may become available; and*

[4. 5.] *Proper topical medications as appropriate may also be administered by the optometrist.*

D. *An oral Schedule VI immunosuppressive agent shall only be used when (i) the condition fails to appropriately respond to any other treatment regimen; (ii) such agent is prescribed in consultation with a physician; and (iii) treatment with such agent includes monitoring of systemic effects.*

18 VAC 105-20-47. Therapeutic pharmaceutical agents.

[A.] *A TPA-certified optometrist, acting within the scope of his practice, may procure, administer and prescribe [medically appropriate] therapeutic pharmaceutical agents (or any therapeutically appropriate combination thereof) to treat diseases and abnormal conditions of the human eye and its adnexa within the following categories:*

1. *Oral analgesics - Schedule III, IV and VI narcotic and nonnarcotic agents.*

2. *Topically administered Schedule VI agents:*

a. *Alpha-adrenergic blocking agents;*

b. *Anesthetic (including esters and amides);*

c. *Anti-allergy (including antihistamines and mast cell stabilizers);*

d. *Anti-fungal;*

e. *Anti-glaucoma (including carbonic anhydrase inhibitors and hyperosmotics);*

f. *Anti-infective (including antibiotics and antivirals);*

g. *Anti-inflammatory;*

h. *Cycloplegics and mydiratics;*

i. *Decongestants; and*

j. *Immunosuppressive agents.*

3. *Orally administered Schedule VI agents:*

a. *Aminocaproic acids (including antifibrinolytic agents);*

b. *Anti-allergy (including antihistamines and leukotriene inhibitors);*

c. *Anti-fungal;*

d. *Anti-glaucoma (including carbonic anhydrase inhibitors and hyperosmotics);*

e. *Anti-infective (including antibiotics and antivirals);*

f. *Anti-inflammatory (including steroidal and nonsteroidal);*

g. *Decongestants; and*

h. *Immunosuppressive agents.*

B. *Schedule I, II and V drugs are excluded from the list of therapeutic pharmaceutical agents.*

C. *Over-the-counter topical and oral medications for the treatment of the eye and its adnexa may be procured for administration, administered, prescribed or dispensed.*

VA.R. Doc. No. R04-280; Filed October 13, 2004, 9:54 a.m.



TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REVISED PROPOSED

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

The Bill of Rights referenced as Appendix B in the following order is published in the General Notices section of this issue of the Virginia Register.

Titles of Regulations: 20 VAC 5-400. Telecommunications (repealing 20 VAC 5-400-80).

20 VAC 5-427. Rules for Local Exchange Telecommunications Company Service Quality Standards (adding 20 VAC 5-427-10 through 20 VAC 5-427-190).

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

Public Hearing Date: Public hearing will be held upon request.

Public comments may be submitted until November 15, 2004.

Agency Contact: Steven C. Bradley, Deputy Director, State Corporation Commission, Division of Communications, P.O. Box 1197, Richmond, VA 23218-1197, telephone (804) 371-9420, FAX (804) 371-9069, or e-mail sbradley@scc.state.va.us.

Summary:

Rules for Local Exchange Telecommunications Company Service Quality Standards, 20 VAC 5-427, are proposed to replace the existing Regulation Governing Service Standards for Local Exchange Telephone Companies; Penalty, 20 VAC 5-400-80 of the Telecommunications regulation.

The regulations apply to all certificated local exchange carriers (carriers) and prescribe a minimum acceptable level of quality of service under normal operating conditions. The regulations call for the design, construction, maintenance, and operation of network facilities in compliance with applicable safety and electrical codes and all applicable commission orders and interconnection requirements under federal and state law.

Significant changes in the revised proposed rules appear in the reporting requirements (20 VAC 5-427-40), which now allow the option of exception reporting; service outage reporting (20 VAC 5-427-90) is no longer required between LECs; printed directories are no longer required to contain complaint procedures for all LECs in the service area represented in each directory (20 VAC 5-427-130); and service quality performance standards have been revised (20 VAC 5-427-140). The revised proposed rules also include additional requirements for LECs: to restore customer property that has been disturbed during the course of construction or maintenance operations (20 VAC 5-427-30 E); and to provide customers with the option of reaching a live agent during automated transactions (20 VAC 5-427-140 G).

The regulations continue to set carrier reporting and record retention requirements; information disclosure requirements for carriers as to their rates, charges and fees; carrier response requirements for reports of trouble and outage; customer complaint handling requirements; requirements for providing call intercept and directories; also, standards are proposed to measure carrier service quality performance and transmission standards. Requirements for auditing and remedial action plans are also proposed for carriers.

AT RICHMOND, OCTOBER 13, 2004

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC-2003-00110

Ex Parte: Establishment of

Rules for Service Quality
Standards for the Provision
of Local Exchange Telecommunications
Services

SECOND ORDER PRESCRIBING NOTICE AND GRANTING

LEAVE TO COMMENT OR REQUEST HEARING

On August 1, 2003, the State Corporation Commission ("Commission") took under consideration the Staff's proposed Rules For Local Exchange Company Service Quality Standards (to be codified at 20 VAC 5-427-10) ("Rules") for replacement of the Regulations Governing Service Standards for Local Exchange Telephone Companies codified at 20 VAC 5-400-80 ("current rules").¹ Pursuant to the Order for Notice and Comment, interested parties were permitted to comment on, propose modifications or supplements to, or request a hearing on the Staff's proposed Rules. Interested parties were further requested to comment on selected matters that may be addressed in a final rulemaking.²

Pursuant to the Order for Notice and Comment and the Commission's Order Extending Time for Comment or Requests for Hearing entered October 2, 2003, comments were filed by the following interested parties: Verizon Virginia Inc. and Verizon South Inc. (collectively "Verizon"); United Telephone - Southeast, Inc., Central Telephone Company of Virginia and Sprint Communications Company of Virginia, Inc. (collectively, "Sprint"); Cavalier Telephone, LLC ("Cavalier"); NTELOS Inc. ("NTELOS"); AT&T Communications of Virginia, LLC ("AT&T"); WorldCom, Inc. ("MCI"); Cox Virginia Telecom, Inc. ("Cox"); the Virginia Telecommunications Industry Association ("VTIA"); the Virginia Cable Telecommunications Association ("VCTA"); the Division of Consumer Counsel, Office of the Attorney General ("Consumer Counsel"); Virginia Citizens Consumer Counsel; State Senator William Roscoe Reynolds; Mr. Stephen McClelland; and Ms. Adria M. Woods.

Sprint alone requested a hearing on the Rules in order to address issues raised in its comments. Other commenters requested revisions to the Staff's proposed Rules and another opportunity to comment and/or request a hearing.³ Finally, the commenters addressed the selected matters presented in the Order for Notice and Comment.⁴

¹ Order Prescribing Notice and Granting Leave To Comment Or Request Hearing, August 1, 2003, Case No. PUC-2003-00110 ("Order for Notice and Comment").

² Order for Notice and Comment, pp. 2-3.

³ Comments by the following interested parties proposed specific revisions to the Rules: Verizon; Cavalier; NTELOS; MCI; Cox; VTIA; and VCTA. AT&T objected to the Rules in their entirety, while alternatively suggesting specific revisions.

⁴ The selected matters that may be addressed in a final rulemaking include a Bill of Rights (Attachment B of the Order for Notice and Comment) and the following four questions:

1. Should there be further requirements for telephone directory information in addition to the proposed requirements of 20 VAC 5-427-130 Directories in Attachment A to the Order for Notice and Comment;

2. Should the directory be competitively neutral, and, if so, what are the requirements to ensure neutrality;

Proposed Regulations

The Staff now proposes in response to all filed comments a revision to the Rules ("proposed revised Rules"), which appears in Attachment A, appended hereto and incorporated herein by reference. The Staff also proposes in response to filed comments a revision to the originally proposed Bill of Rights (Attachment B of the Order for Notice and Comment) ("proposed revised Bill of Rights"). The proposed revised Bill of Rights appears as Attachment B, appended hereto and incorporated herein by reference. Therefore, a hearing will not be convened at this time so as to allow interested parties to review the Staff's revisions as set out in Attachments A and B.

NOW THE COMMISSION, pursuant to § 12.1-13 of the Code of Virginia and 5 VAC 5-20-100 of the Commission's Rules of Practice and Procedure, finds that interested parties should be permitted to comment further on the Staff's proposed revised Rules, which the Commission now considers for replacement of the current rules, and proposed revised Bill of Rights. Additionally, interested parties should be permitted to propose modifications or supplements to, or request a hearing on, the Staff's proposed revised Rules and proposed revised Bill of Rights. The Commission will take under advisement the comments to the selected matters raised in the Order for Notice and Comment to the extent that these matters are not addressed in Staff's proposed revised Rules (Attachment A) and proposed revised Bill of Rights (Attachment B).

Accordingly, IT IS ORDERED THAT:

(1) The Commission's Division of Information Resources shall forward the Staff's proposed revised Rules (Chapter 427), Attachment A herein, and proposed revised Bill of Rights, Attachment B herein, to the Registrar of Virginia for publication in the Virginia Register of Regulations.

(2) On or before October 15, 2004, the Commission's Division of Information Resources shall make a downloadable version of the Staff's proposed revised Rules, Attachment A, and proposed revised Bill of Rights, Attachment B, available for access by the public at the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>. The Clerk of the Commission shall make a copy of the Staff's proposed revised Rules and proposed revised Bill of Rights available for public inspection and provide a copy, free of charge, in response to any written request for one.

(3) Interested persons wishing to comment on, propose modifications or supplements to, or request a hearing on the Staff's proposed revised Rules or proposed revised Bill of Rights, consistent with the findings above, shall file an original and fifteen (15) copies of such comments, proposals, or requests with the Clerk of the Commission, State Corporation Commission, P.O. Box 2118, Richmond,

3. What standards, if any, should there be to ensure telephone billing accuracy, and what metrics should there be to gauge compliance with any such billing accuracy standards; and

4. What standards, if any, should there be to measure the overall intelligibility of the telephone bill, and what methodology should there be for measuring compliance with any such standards?

Virginia 23218, on or before November 15, 2004, making reference to Case No. PUC-2003-00110. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>. Requests for hearing shall state with specificity why such concerns cannot be adequately addressed in written comments.

(4) On or before October 20, 2004, the Commission's Division of Information Resources shall publish the following notice as classified advertising in newspapers of general circulation throughout the Commonwealth of Virginia.

NOTICE TO THE PUBLIC OF A PROCEEDING TO
ADOPT NEW RULES FOR LOCAL TELEPHONE COMPANY
SERVICE QUALITY STANDARDS
CASE NO. PUC-2003-00110

By Order dated June 10, 1993, the State Corporation Commission ("Commission") adopted Regulations Governing Service Standards for Local Exchange Telephone Companies (20 VAC 5-400-80). These service standards rely upon customer satisfaction models that predate competition and do not reflect the Telecommunications Act of 1996 and the many technological changes that have since occurred.

The Commission's Division of Communications ("Staff") has proposed revised Rules For Local Exchange Company Service Quality Standards ("proposed revised Rules"), which this Commission is now considering for replacement of the current regulations. The proposed revised Rules supercede the Staff's initial proposed rules for consideration by the Commission. The Staff also proposes a revised Bill of Rights ("proposed revised Bill of Rights") for customers, which also supercedes the initial proposed Bill of Rights.

Interested parties may obtain a copy of the proposed revised Rules and proposed revised Bill of Rights by visiting the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>, or by requesting a copy from the Clerk of the Commission. The Clerk's office will provide a copy of the proposed revised Rules and proposed revised Bill of Rights to any interested party, free of charge, in response to any written request. The proposed revised Rules will also be forwarded to the Office of the Registrar of Regulations for publication in the Virginia Register of Regulations.

Any person desiring to comment in writing or request a hearing on the proposed revised Rules or proposed revised Bill of Rights may do so by directing such comments or requests for hearing on or before November 15, 2004, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>. Comments and requests for hearing must refer to Case No. PUC-2003-00110. Requests for hearing shall state

with specificity why such concerns cannot be adequately addressed in written comments.

VIRGINIA STATE CORPORATION COMMISSION

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

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Ms. Irene E. Leech, Virginia Citizens Consumer Council, 4220 North Fork Road, Elliston, Virginia 24087; Ms. Adria M. Woods, 2800-G Foxhunt Lane, N.W., Blacksburg, Virginia 24060; Hon. William Roscoe Reynolds, P.O. Box 404, Martinsville, Virginia 24114-0404; Mr. Stephen McClelland, #180075, Buckingham Correction Center, P.O. Box 430, Dillwyn, Virginia 23936-0430; all local exchange carriers certificated in Virginia as set out in Appendix A; and the Commission's Office of General Counsel and the Division of Communications.

20 VAC 5-400-80. Regulation governing service standards for local exchange telephone companies; penalty. (Repealed.)

~~Each local exchange telephone company shall provide the necessary equipment, plant facilities, and personnel within its certificated area(s) to deliver high quality customer service.~~

~~There are eight key indicators that shall be used to measure the quality of service being furnished by the local exchange companies. Where applicable, service results from these key indicators shall be banded as follows:~~

~~Satisfactory — Represents good service.~~

~~Weak spot — Requires management attention and corrective action.~~

~~Unsatisfactory — A level of service requiring immediate corrective action and management follow up.~~

~~The eight key indicators and their performance level bands are as follows:~~

~~SERVICE INDICATOR: Commission complaints per 1000 access lines per year.~~

~~DEFINITION: All customer complaints received by the Commission that, upon investigation, prove to be justified.~~

~~PERFORMANCE: Less than one per 1000 access lines per year~~

~~SERVICE INDICATOR: Trouble reports per 100 access lines per month.~~

~~DEFINITION: All customer trouble reports received, whether trouble was found or not found.~~

~~PERFORMANCE:~~

~~0 — 6.0 Sat.~~

~~6.1 — 8.0 Wkspt.~~

~~Over 8.0 Unsat.~~

~~SERVICE INDICATOR: Percent repeated trouble reports per month.~~

~~DEFINITION: The incidence of two or more trouble reports received from the same access lines within the same 30 day period, stated as a percent of total trouble reports.~~

~~PERFORMANCE:~~

~~0 — 16% Sat.~~

~~16.1 — 20% Wkspt.~~

~~Over 20% Unsat.~~

~~SERVICE INDICATOR: Network reports per 100 access lines per month.~~

~~DEFINITION: All customer trouble reports, whether found or not found, that are charged against the central office.~~

~~PERFORMANCE:~~

~~0 — .35 Sat.~~

~~0.36 — .45 Wkspt.~~

~~Over .45 Unsat.~~

~~SERVICE INDICATOR: Network switching performance, percent satisfactory per month.~~

~~DEFINITION: An index that measures the overall performance of central office equipment in providing dial tone, switching and connecting customers, and collecting call billing data.~~

~~PERFORMANCE BAND:~~

~~95.5 — 100% Sat.~~

~~92.0 — 95.4% Wkspt.~~

~~Under 92% Unsat.~~

~~SERVICE INDICATOR: Business office accessibility, percent per month~~

~~DEFINITION: The percent of all calls to the business office which are answered live within 20 seconds.~~

~~PERFORMANCE BAND:~~

~~85 — 100% Sat.~~

~~80 — 84.9% Wkspt.~~

~~Under 80% Unsat.~~

~~SERVICE INDICATOR: Repair service accessibility, percent per month.~~

~~DEFINITION: The percent of all calls to repair service which are answered live within 20 seconds.~~

~~PERFORMANCE BAND:~~

~~85 — 100% Sat.~~

~~80 — 84.9% Wkspt.~~

~~Under 80% Unsat.~~

Proposed Regulations

~~SERVICE INDICATOR: Service orders completed within five working days, percent per month.~~

~~DEFINITION: The percent of all single line new service orders completed within five working days of service application or the customer requested completion date.~~

~~PERFORMANCE BAND:~~

~~90–100% Sat.~~

~~85–89.9% Wkspt.~~

~~Under 85% Unsat.~~

~~Local exchange companies which exceed 20,000 access lines shall report data to the Commission's Division of Communications each month on the above described eight key indicators.~~

~~Nothing in this section shall be deemed to excuse a local exchange company from submitting any additional information requested by the Commission's Division of Communications.~~

~~Violations of this section shall be punishable pursuant to either § 56-483 or § 12.1-33 of the Code of Virginia or both.~~

CHAPTER 427.

RULES FOR LOCAL EXCHANGE

[TELECOMMUNICATIONS] COMPANY SERVICE QUALITY STANDARDS.

20 VAC 5-427-10. Applicability; definitions.

A. The provisions of this chapter shall apply to local exchange [telecommunications] carriers (LECs) certificated to provide local exchange telecommunications services within the Commonwealth of Virginia.

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

"Bridged tap" means a multiple appearance of the same cable pair at several distribution points or a section of a cable pair not on the direct electrical path between the central office and the [~~user's~~ customer's] premises.

"Business office" means any functional entity that accepts service orders, billing inquiries, and processes other related customer requests.

"Busy hour" means the [~~hour of each month in which a telecommunications system carries the most traffic~~ sliding 60-minute period during which the maximum total traffic load in a given 24-hour period occurs].

"Central office" means a LEC operated switching system, including remote switches and associated transmission equipment (e.g., digital circuit switches, packet switches, carrier systems).

"Central office serving area" means the geographic area in which local service is provided by a LEC's central office and associated [~~network~~ outside plant].

"Commission" means the Virginia State Corporation Commission.

"Competitive local exchange carrier (CLEC)" means an entity, other than a locality, certificated to provide local exchange telecommunications services in Virginia after January 1, 1996, pursuant to § 56-265.4:4 of the Code of Virginia [~~—An incumbent local exchange carrier shall be considered a CLEC in any territory that is outside the territory it was certificated to serve as of December 31, 1995, for which it obtains a certificate to provide local exchange telecommunications services on or after January 1, 1996 and 20 VAC 5-417.~~]

"Customer" means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency [~~using~~ that is an end user of] local exchange telecommunications services [~~provided by a LEG~~] that are under the jurisdiction of the commission.

"Emergency" means a sudden or unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

[~~"Facilities-based LEC" means a LEC that provides local exchange telecommunications services in whole or in part by means of its own network facilities.~~]

"Federal Communications Commission (FCC) reportable outage" means a service outage that meets the FCC criteria for notification of service outage to the FCC as required by 47 CFR 63.100 et seq.

"Final trunk group" means a last-choice trunk group that receives overflow calls and may receive first-route calls for which there is no alternate route.

"In service trouble report" means a customer-reported network trouble that allows calls to be originated or received but affects other aspects of service such as static or hazardous conditions.

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

"Intercept" means a [~~redirected call by an operator or a~~] suitable [~~recorded~~] announcement that provides sufficient information as to the reasons for the call diversion [~~—as well as directions to assist in completing the call~~].

"Justified commission complaint" means a complaint submitted to the commission or staff involving a telecommunications service under the jurisdiction of the commission where it was determined by the commission or the staff that the LEC, its employees [,] or agents either [: (i)] failed to comply with its tariffs, procedures, or policies [; (ii) ~~used poor judgment;~~ (iii) or] resolved the customer's problem in an untimely [or unsatisfactory] fashion [; ~~or (iv) acted in an unreasonable or unprofessional manner~~].

"Load coil" means an induction device employed in local loops exceeding 18,000 feet to minimize amplitude distortion.

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

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

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

"Major service outage" means any network condition that causes 1,000 or more customers to be out of service for 30 or more minutes; causes an unplanned outage of, or completely isolates, a central office for 30 or more minutes; or disrupts 911 emergency call processing for any period.

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

"Network" means a system of central offices and associated outside plant.

"Network access line (NAL)" means a customer dial tone line, or its equivalent, that provides access to the public telecommunications network.

"New entrant" means a CLEC or an MLEC.

"Out of service" means a [network] service condition causing [: (i)] an inability to complete an incoming or outgoing call or [(ii) ~~the presence of interference~~ any other condition] that causes a connected call to be incomprehensible.

"Outside plant" means [~~all remaining~~ the network] facilities not included in the definition of central office [~~(e.g. including,~~ but not limited to], copper [~~cables~~ cable], fiber optic [~~cables~~ cable], coaxial [~~cables~~ cable], terminals, pedestals, load coils, or any other equipment normally associated with interoffice, feeder [,] and distribution facilities up to and including the rate demarcation point [}].

"Rate demarcation point" means the point at which a LEC's network ends and a customer's wiring or facilities begin.

"Repeat report" means a customer-reported network trouble that is received by a LEC within 30 days of another network trouble report on the same NAL.

"Speed of answer interval (SAI)" means the period of time [~~measured in seconds~~] following [~~customer direction either at~~] the completion of direct dialing [,] or upon completion of [~~the~~ a customer's] final selection within an automated answering system [,] and lasting until the call is answered by a live agent or is abandoned by the customer or the LEC. [In the case of automated transactions where a customer opts to speak to a live agent, the SAI is the period of time following the customer opting to speak to a live agent until the call is answered by a live agent or is abandoned by the customer or the LEC.]

"Staff" means the commission's Division of Communications and associated personnel.

"Standard load" means transmission loss has been reduced on a cable pair by means of configuring the twisted copper pair loop using a 6,000 foot H spacing loading scheme or 4,500 foot D spacing loading scheme, which may be expressed as 6,000 foot H88 mh load or 4,500 foot d66 mh load scheme.

"Subsequent report" means a customer-reported network trouble received by a LEC while [~~the~~ a related] initial customer trouble report remains open.

"Telecommunications relay service" means a telephone transmission service that provides the ability for an individual with a hearing or speech disability to engage in communication with a hearing individual in a manner functionally equivalent to someone without such a disability.

"Transmission" means a process of sending information from one [network] point to another.

"Trouble" means an impairment of a LEC's network.

"Trouble report" means an initial oral or written notice, including voice mail and e-mail, to any LEC employee or agent of a condition that affects or may affect network service [~~for which there is no pending network trouble report~~].

"Trunk blockage" means the unavailability of network transmission capacity at the time of a call that prevents call completion and results in the call originator receiving a busy signal or an indication of trunk blockage.

"Unbundled network elements (UNE)" means the physical and functional components of the network, as defined by the FCC, that may be used or leased by a CLEC or a MLEC from an ILEC.

"Virginia universal service plan (VUSP)" means the program under which eligible lower-income customers may obtain certain telecommunications services at reduced monthly charges and may also receive a discount on certain nonrecurring connection or service charges from participating LECs. This program is also referred to as lifeline or link up.

"Voice grade service" means the transmission of communication signals in the range of 0 to 4000 Hertz.

20 VAC 5-427-20. General provisions.

A. The provisions of this chapter prescribe the minimum acceptable level of quality of service under normal operating conditions.

B. The commission may, after investigation, suspend application of any provision of this chapter during periods of emergency, catastrophe, natural disaster, severe storm, or other events affecting large numbers of customers. The commission may also suspend application of the provisions of this chapter for other extraordinary or abnormal conditions, including work stoppage, civil unrest, major transportation disruptions, or other events beyond the control of a LEC.

20 VAC 5-427-30. Network facilities, construction, maintenance, and operation.

A. Network facilities shall be designed, constructed, maintained, and operated in compliance with the [~~latest edition of the National Electric Safety Code of the Institute of Electrical and Electronics Engineers, Inc.~~ applicable safety and electrical codes], applicable commission orders, and all requirements for interconnection under applicable federal and state law.

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B. Outside plant shall be designed, constructed, and maintained so as to ~~prevent~~ minimize transmission interference from services provided by other public utilities.

C. A LEC shall participate in operational reviews held at the staff's discretion to ensure that construction, design, maintenance, disaster recovery plans, and any other applicable programs are adequate to meet the needs of a LEC's customers.

D. A LEC shall have the test equipment and technical ability to determine the operating and transmission characteristics of [its own] circuit and switching equipment.

[E. A LEC, whenever it disturbs property during the course of construction or maintenance operations, shall restore the property to a condition that is at least as good as that which existed prior to the disturbance.]

20 VAC 5-427-40. Reporting requirements.

A. The reporting requirements as set forth in this section shall apply to a LEC with a total of 20,000 or more NALs.

B. A LEC subject to the reporting requirements of this section shall fulfill its reporting requirements in conformance with 20 VAC 5-427-140. ~~[Reports shall be electronically submitted to the staff on a quarterly basis no later than one month following the end of each calendar quarter reporting period. A LEC may use its own report format with the prior approval of the staff. Any reported data resulting in an unsatisfactory rating shall be addressed in an action plan as set forth in 20 VAC 5-427-170 and shall be included in the LEC's required report. and shall report its results by one of the following two methods:~~

1. General reporting shall include all of the measurements set forth in 20 VAC 5-427-140 and shall be submitted to the staff on a quarterly basis no later than one month following the end of each calendar quarter reporting period. A LEC may use its own report format with the prior approval of the staff.

2. Exception reporting shall include each of the measurements set forth in 20 VAC 5-427-140 where a LEC failed to meet a given performance standard and shall be submitted to the staff on a monthly basis no later than one month following the end of each calendar monthly reporting period. A LEC may use its own report format with the prior approval of the staff.]

C. A ~~[CLEC or an MLEC]~~ LEC may request an exemption from ~~[any of the individual]~~ reporting requirements in this section if it demonstrates that its services are provided through the resale of an ILEC's tariffed services ~~[or through]~~, the use or lease of an ILEC's unbundled network elements ~~[, or the use or lease of any other network components]~~ over which it has no direct control. The commission or staff shall grant or deny a request for exemption on a case-by-case basis.

20 VAC 5-427-50. Availability and retention of records.

A. A LEC shall make available to the commission or staff, upon request, all records, reports, and other information required to determine compliance with this chapter ~~[and to~~

~~permit the commission and staff to investigate and resolve quality of service complaints related to regulated telecommunications services]~~.

B. A LEC shall retain records pursuant to the requirements of 20 VAC 5-427-140 [and 20 VAC 5-427-160], where applicable, for a minimum of ~~[three]~~ two years in a manner that permits audit by the commission or staff.

C. A LEC shall retain customer billing records for a minimum of three years to permit the commission or staff to investigate and resolve billing complaints.

20 VAC 5-427-60. Maintenance of facility maps and records.

A LEC [or its affiliates] shall maintain maps and records that show the [current] location, description, and capacity fill data of its network.

20 VAC 5-427-70. Rate and special charges information.

A. A LEC shall, upon request, disclose ~~[verbally]~~ to a current or prospective customer all rates, charges, and fees applicable to a customer's service request or inquiry including, but not limited to, the federal subscriber line charge or its equivalent ~~[;]~~ or any other rates, charges, and fees that it collects and retains. In addition, these rates, charges, and fees shall each be disclosed as line items on customer bills separately from governmental fees, taxes, and surcharges.

B. Upon the request of a current or prospective customer, a LEC shall describe and disclose the fees, taxes, and surcharges that it collects ~~[from a customer]~~ and distributes to governmental agencies.

C. Upon the request of a current or prospective customer, a LEC shall ~~[refer a customer to an Internet website containing its Virginia intrastate tariffs or, at the customer's request,]~~ provide a copy of the applicable tariff section or pages for the ~~[Virginia intrastate]~~ regulated telecommunications service ~~[or, at the customer's option, may refer a customer to an Internet website containing its tariffs]~~.

D. Upon the request of a current or prospective customer, a LEC shall provide reasonable access to information and provide assistance necessary to enable the current or prospective customer to obtain the most economical service available to meet the customer's needs, including VUSP or any other discount programs that may be available.

E. Before changing or installing a service, a LEC shall provide to the current or prospective customer an estimate of any special charges not specifically set forth in the LEC's applicable tariff. Special charges include, but are not limited to, any of the following: extraordinary construction, maintenance, and replacement costs; expenses for overtime work to be performed at the customer's request; or special installations, equipment, or assemblies needed to fulfill a customer's request.

20 VAC 5-427-80. Response to trouble reports.

A. A LEC shall ~~[take a process]~~ trouble ~~[report]~~ reports from ~~[a customer]~~ customers at all times through an automated or live means. A LEC shall take immediate action to clear trouble reports of an emergency nature.

B. A LEC shall make a full and prompt investigation of all trouble reports and shall render reasonable [customer] assistance [~~to its customer, whether an end user or another LEC,~~] to identify a cause for [~~the an~~] outage that may be corrected by the customer.

C. A LEC shall maintain an accurate record of trouble reports by telephone number or circuit number, as appropriate. The record shall include all of the following information:

1. The customer or service affected;
2. The time, date, and nature of the trouble report;
3. The action taken to clear the trouble or satisfy the complaint; and
4. The date and time the repair was completed or the trouble report was otherwise closed.

20 VAC 5-427-90. Service outage reporting requirements.

A. A service outage report shall be made to the staff according to the following guidelines:

1. A major service outage shall be reported to the staff on the same business day or, if the outage occurs after normal business hours or during a state holiday, at the beginning of the next business day;
2. An FCC reportable service outage shall be reported by a LEC to the staff at the same time it is reported to the FCC; and
3. A central office that experiences two or more unplanned outages within any 30-day period shall be reported by a LEC to the staff at the end of the calendar month in which the second unplanned [~~stoppage~~] outage] occurred.

~~[B. A facilities-based LEC shall notify any affected LEC dependent upon its network, in whole or in part, within 90 minutes of becoming aware of a major or FCC reportable service outage, unless interconnection agreements specify otherwise.~~

~~C. Service outages first shall be reported by a LEC to the staff via telephone and followed up with an e-mail or facsimile message and contain the following B. The service outage report made to the staff shall include]:~~

1. The central office, remote switch, or other network facility involved;
2. The date and estimated time of commencement of the outage;
3. The geographic area affected;
4. The estimated number of customers affected;
5. The types of services affected;
6. The duration of the outage (e.g., time elapsed from the commencement of the outage until estimated restoration of full service); and
7. The apparent or known cause of the [~~incident~~] outage], including the name and type of equipment involved and the specific part of the network affected, and methods used to restore service.

20 VAC 5-427-100. Emergency operation.

A LEC shall make reasonable preparations to continue operations and restore service outages resulting from fire, major electric power failures, other emergencies, and acts of divine providence. A LEC's employees or agents shall be instructed to follow predetermined emergency procedures to prevent or minimize interruption or degradation of service. A central office shall have access to adequate facilities to provide emergency electric power. A LEC shall determine the necessary reserve power capacity requirement based on its operating experience with its energy provider. If a central office does not have power generation equipment installed, a LEC shall design and maintain sufficient battery reserve, within the appropriate ampere hour rating, to allow [~~time for~~] delivery and setup of portable generators.

20 VAC 5-427-110. Customer complaint handling.

A LEC shall establish customer complaint processing procedures in compliance with § 56-247.1 C of the Code of Virginia by:

1. Providing the staff a means for immediate telephone access to company complaint resolution personnel during normal business hours;
2. Providing the staff an escalation list of at least three company contacts responsible for resolving customer complaints received by the commission or staff. This list shall include the names, titles, addresses, telephone numbers, fax numbers, and e-mail addresses of each individual contact. Any changes to the escalation list shall be provided to the staff within 30 days of the change;
3. Making a full and prompt investigation of all customer complaints;
4. Assisting customers who report obscene, threatening, or harassing calls;
5. Providing customers [~~with~~] who call from within their local serving area] toll-free [~~numbers~~] access] to report complaints;
6. Making its customer complaint procedure and its record of the number and type of complaints available to the staff whenever requested;
7. Noting and retaining customer contact records when an inquiry or complaint is resolved. Customer contact records shall be retained for a minimum of [~~three~~] two] years; and
8. Conducting an investigation upon notification by the staff or a customer inquiry or complaint. Out-of-service complaints shall be [~~resolved immediately~~] given immediate attention with a written response provided to the staff within 24 hours]. For other complaints, the LEC shall provide a written [~~or e-mail~~] response to the staff detailing its resolution of the complaint within 10 business days following the initial notification by the staff. Upon extraordinary circumstances when the matter cannot be resolved within [~~the a~~] 10 business-day period, the LEC shall provide [written] updates [~~to~~] on a schedule agreed to by] the staff [~~every fifth business day, or sooner,~~] until the matter is finally resolved.

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20 VAC 5-427-120. Intercept.

When a customer's telephone number is changed or disconnected, the LEC shall [offer to] intercept all calls to the former [telephone] number in accordance with the following:

1. Intercept service shall be provided for changed numbers until the former number is reassigned due to equipment [or telephone numbering resource] shortages or until it is no longer listed in the current directory; and
2. Intercept service shall be updated daily to reflect the most current service order activity affecting a LEC's customers.

20 VAC 5-427-130. [Printed] directories.

A. A LEC responsible for publishing a directory shall make every reasonable effort to resolve directory error disputes in a timely and efficient manner. A LEC responsible for directory publication may be required by the commission or directed by the staff to postpone publication depending upon the nature and severity of a complaint. A LEC responsible for publishing a directory includes, but is not limited to, a LEC that publishes directories, causes directories to be published, or provides customer information for inclusion in directories.

B. A LEC shall publish directories or cause its customers' listing information to be published in directories at yearly intervals. Exceptions to the yearly publication schedule shall be reviewed with the staff.

C. A LEC shall distribute, or cause to be distributed at no charge to each customer, at least one directory for each [residential premises and at least one directory for each business] NAL that includes listings contained in a customer's local and extended calling areas. [Where a residential customer has more than one NAL, a LEC shall, upon request of that customer, provide, at no charge, additional directories not to exceed the total number of NALs.] In cases where one directory does not include the listings contained in a customer's local and extended calling areas, then a LEC shall provide, upon request [of that customer], at no charge, any additional directories or supplements that may be required to provide such listings.

D. A LEC shall provide the staff one copy of each directory it publishes or causes to be published.

E. If an error occurs in the listed telephone number of a customer, then the LEC shall, at no charge, offer to intercept [or cause to be intercepted] calls [to the listed number] for the remaining life of the directory [; or change the customer's telephone number to the listed telephone number] provided that it is technically feasible and that the [telephone] number is not in service for another customer.

F. If an error or omission in the name, address, or telephone number of a customer occurs, a LEC shall, if applicable, include, or cause to be included, the customer's correct name, address, or telephone number in the files of the directory assistance database.

G. If additions or changes to the network or any other operations require changing a telephone number assigned to a customer, then the serving LEC shall give reasonable notice

to the customer affected even though the change in telephone number may coincide with the issuance of a directory.

H. A [~~LEC responsible for publishing a~~] directory shall, in the opening [information] pages, include:

1. Information pertaining to accessing emergency services such as fire and police;
2. Information giving the commission's address, telephone number, website information, and regulatory authority;
3. An explanation of the services for which local exchange telecommunications services may be terminated for failure to pay;
4. Information pertaining to accessing the Telecommunications Relay Service. This service is also referred to as Virginia Relay;
5. Information describing illegal telephone use;
6. Information describing procedures for the prevention of damage to underground facilities;
7. Information describing procedures on handling harassing, obscene, abusive, or threatening calls;
8. Information pertaining to consumer rights to privacy including procedures on how to opt out or block services that may lead to the disclosure of personal information; and
9. Information pertaining to procedures on how to prevent solicitation calls.

[~~All LECs providing service in an area represented by a directory shall, in the opening pages, include or cause to be included:~~

- ~~1. The LEC's complaint procedure established in compliance with § 56-247.1 C of the Code of Virginia;~~
- ~~2. Contact information necessary to reach directory assistance, repair service, and the appropriate business office;~~
- ~~3. An Internet address directing access to its tariffs. If tariffs are not accessible via the Internet, a LEC shall provide a toll free telephone number from which a customer can receive assistance in obtaining tariffs directly from the LEC;~~
- ~~4. Instructions for obtaining information on billing and annoyance call procedures; and~~
- ~~5. Information describing the availability of VUSP services.~~

I. All LECs appearing in the opening information pages of a directory shall include or cause to be included contact information necessary to call the repair service and the appropriate business office.]

20 VAC 5-427-140. Service quality performance standards.

[~~A. The rate of trunk blockage is a measure of the effectiveness of a LEC's engineering, forecasting, and maintenance of its circuit switched inter- and intra-exchange trunk paths. The threshold for satisfactory performance is less than or equal to 1.0. This measurement shall be calculated~~

for a given month, per central office, as illustrated by the following formula:

$$\frac{\text{Busy hour calls blocked}}{\text{Busy hour calls attempted}} \times 100 = \text{Trunk blockage}$$

1. Include in this report the following:

- a. Final trunk groups that carry local traffic;
- b. Final trunk groups that carry two-way local and long distance traffic between a central office and an access tandem switch; and
- c. Umbilicals or links that carry local traffic between central offices, including remotes.

2. Exclude from this report the following:

- a. Trunk groups that alternately route calls to another trunk group in handling public message calls; and
- b. Trunk groups that are dedicated to private or virtual private line use and trunk groups associated with mass calling networks or both.

[B. A.] Central office [related] trouble reports per 100 NALs is a measure of [the quality of the] switching [systems and associated component's system] performance in processing calls. The [threshold standard] for satisfactory performance is less than or equal to 0.35. This measurement [, as shown by the following formula,] shall be calculated for [a given month, per central office, as illustrated by the following formula: each central office on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months.]

$$\frac{\text{Central office [related] reports}}{\text{NALs at end of month}} \times 100 = \text{Central office [related] trouble reports}$$

Exclude from this report the following:

- 1. Reports of trouble from an employee or agent of a LEC discovered through diagnostic [or other] work [done or] during routine maintenance [of equipment];
- 2. Reports of trouble cleared to the connecting company's network; and
- 3. [A subsequent report Subsequent reports].

[C. B.] Outside plant trouble reports per 100 NALs is a measure of [quality of] the design, construction, and maintenance of [the outside plant portion of the network associated with a central office a LEC's outside plant]. The [threshold standard] for satisfactory performance is less than or equal to 3.0. This measurement [as shown by the following formula,] shall be calculated for [a given month, per central office serving area, as illustrated by the following formula: each central office serving area, or by some other relevant designation as determined by the staff on a case-by-case basis, on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months.]

$$\frac{\text{Outside plant trouble reports}}{\text{NALs at end of month}} \times 100 = \text{Outside plant trouble reports}$$

[Excluded Exclude] from this report [are the following]:

- 1. Reports of trouble from an employee or agent of a LEC discovered through diagnostic [or other] work [done or] during routine maintenance [of equipment];
- 2. Reports of trouble cleared to the connecting company's network;
- 3. Reports of trouble [on in] which the employee or agent [of a LEC,] upon arriving at the customer location [,] is unable to gain access to the rate demarcation point [within the scheduled time frame,] and access is necessary for trouble analysis [and clearance repair]; and
- 4. [A subsequent report Subsequent reports].

[D. C.] Repeat [report reports] is a measure of [a LEC's failure to resolve a network trouble on the initial attempt. Beginning January 1, 2004, through December 31, 2004, the performance threshold for repeat reports shall be no greater than 16%. As of January 1, 2005, the performance threshold for repeat reports shall be no greater than 14%. As of January 1, 2006, the performance threshold for repeat reports shall be no greater than 12%. As of January 1, 2007, the performance threshold for repeat reports shall be no greater than 10%. customer-reported network troubles received by a LEC within 30 days of another network trouble report on the same NAL. The standard for satisfactory performance for repeat reports shall be no greater than 16%.] This measurement [, as shown by the following formula,] shall be calculated for [a given month, per central office serving area, as illustrated by the following formula: each central office serving area, or by some other relevant designation as determined by the staff on a case-by-case basis, on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months.]

$$\frac{\text{Repeat reports}}{\text{Trouble reports cleared}} \times 100 = \text{Percent repeat reports}$$

[Excluded Exclude] from this report [are the following]:

- 1. Reports of trouble from an employee or agent of a LEC discovered through diagnostic [or other] work [done or] during routine maintenance [of equipment];
- 2. Reports of trouble in which the employee or agent of a LEC [,] upon arriving at the customer location [,] is unable to gain access to the rate demarcation point [within the scheduled time frame, and access is] necessary for trouble analysis and repair; and
- 3. [A subsequent report Subsequent reports].

[E. D.] Out-of-service trouble reports repaired within 24 or 48 hours are measures of a LEC's ability to [provide timely and effective restoration of a customer's service after receiving a trouble report that calls cannot be received or originated restore network service in a timely manner].

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1. ~~[A LEC shall maintain a performance threshold of 80% or greater cleared within 24 hours. The standard for satisfactory performance shall be that no less than 80% of out-of-service trouble reports are cleared within 24 hours, excluding Sundays and holidays.] This measurement [, as shown by the following formula,] shall be calculated for [a given month, per central office serving area, as illustrated by the following formula: each central office serving area, or by some other relevant designation as determined by the staff on a case-by-case basis, on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months.]~~

$$\frac{\text{Out-of-service trouble reports cleared within 24 hours}}{\text{Out-of-service trouble reports}} \times 100 = \text{Percentage of out-of-service trouble reports cleared within 24 hours}$$

2. ~~[A LEC shall maintain a performance threshold of 99% or greater cleared within 48 hours. The standard for satisfactory performance shall be that no less than 99% of out-of-service trouble reports are cleared within 48 hours, excluding Sundays and holidays.] This measurement [, as shown by the following formula,] shall be calculated for [a given month, per central office serving area, as illustrated by the following formula: each central office serving area, or by some other relevant designation as determined by the staff on a case-by-case basis, on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months.]~~

$$\frac{\text{Out-of-service trouble reports cleared within 48 hours}}{\text{Out-of-service trouble reports}} \times 100 = \text{Percentage of out-of-service trouble reports cleared within 48 hours}$$

3. ~~[Excluded Exclude]~~ from these reports ~~[are the following]~~:

- a. Customer-requested extended interval appointments;
- b. Reports of trouble from an employee or agent of a LEC discovered through diagnostic ~~[or other]~~ work ~~[done or]~~ during routine maintenance ~~[of equipment]~~;
- c. ~~[An out-of-service trouble report on]~~ Reports of trouble in ~~[a]~~ which ~~[an]~~ the employee or agent of a LEC ~~[,]~~ upon arriving at the customer location ~~[,]~~ is unable to gain access to the rate demarcation point ~~[within the scheduled time frame,]~~ and access is necessary for trouble analysis and repair; and
- d. ~~[A subsequent report]~~ Subsequent reports]

~~[F. E.]~~ In-service trouble reports cleared within 72 or 96 hours are measures of a LEC's ability to ~~[provide timely and effective correction of a customer's service after receiving a trouble report]~~ repair network service in a timely manner]

1. ~~[A LEC shall maintain a performance threshold of 90% or greater cleared within 72 hours. The standard for satisfactory performance shall be that no less than 90% of in-service trouble reports are cleared within 72 hours, excluding Sundays and holidays.] This measurement [, as~~

~~shown by the following formula,] shall be calculated for [a given month, per central office serving area, as illustrated by the following formula: each central office serving area, or by some other relevant designation as determined by the staff on a case-by-case basis, on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months.]~~

$$\frac{\text{In-service trouble reports cleared within 72 hours}}{\text{In-service trouble reports}} \times 100 = \text{Percentage of in-service trouble reports cleared within 72 hours}$$

2. ~~[A LEC shall maintain a performance threshold of 99% or greater cleared within 96 hours. The standard for satisfactory performance shall be that no less than 99% of in-service trouble reports are cleared within 96 hours, excluding Sundays and holidays.] This measurement [, as shown by the following formula,] shall be calculated for [a given month, per central office serving area, as illustrated by the following formula: each central office serving area, or by some other relevant designation as determined by the staff on a case-by-case basis, on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months.]~~

$$\frac{\text{In-service trouble reports cleared within 96 hours}}{\text{In-service trouble reports}} \times 100 = \text{Percentage of in-service trouble reports cleared within 96 hours}$$

3. ~~[Excluded Exclude]~~ from these reports ~~[are the following]~~:

- a. Customer requested extended interval appointments;
- b. Reports of trouble from an employee or agent of a LEC discovered through diagnostic ~~[or other]~~ work ~~[done or]~~ during maintenance ~~[of telecommunications equipment; and]~~;
- c. ~~[An in-service trouble report on which an]~~ Reports of trouble in which the employee or agent of a LEC ~~[,]~~ upon arriving at the customer location ~~[,]~~ is unable to gain access to the rate demarcation point ~~[within the scheduled time frame,]~~ and access is necessary for trouble analysis and ~~[clearance.]~~ repair; and
- d. Subsequent reports.]

~~[G. F.]~~ Business office access is a measure of a LEC's ability to provide a sufficient number of lines or trunks to ~~[reach]~~ its business office. ~~[A LEC shall maintain a performance threshold of 99% or greater of calls not blocked from entering its automated answering system or reaching]~~ The standard for satisfactory performance shall be that no less than 90% of business office calls enter a LEC's automated answering system or reach ~~[a]~~ live agent for a LEC not utilizing an automated answering system. This measurement ~~[, as shown by the following formula,]~~ shall be calculated ~~[for a given month on a monthly basis]~~, based on the busy hour, ~~[on a statewide basis, as illustrated by the following formula:]~~ and shall be reported to the staff if the LEC

fails to meet the performance standard on a statewide basis for three consecutive months.]

$$\frac{\text{Busy hour calls not blocked}}{\text{Busy hour call attempts}} \times 100 = \text{Business office access percentage}$$

[~~H. G.~~] Business office answer time is a measure of [~~workforce performance in answering a LEC's ability to provide a sufficient workforce to render timely assistance to customers calling its~~] business office [~~calls in a timely manner~~]. The [~~standard for satisfactory~~] performance [~~threshold~~] for business office answer time shall be an average [~~speed of answer interval ("SAI") SAI~~] of no greater than [~~30 60~~] seconds [~~, during normal hours of operation~~]. A call is considered to have been answered when a live agent is ready to render assistance or accept the information necessary to process the call. [~~In automated transaction systems where a customer transaction can be completed without the assistance of a live agent, a customer shall be given the option to reach a live agent at any time during the automated transaction.~~] Information [~~including other than that necessary to direct customers to a live agent~~], for example, marketing or promotional material provided by an automated answering system, [~~other than that necessary to direct customers to a live agent, during normal hours of operation,~~] shall be included in the cumulative SAI. This measurement [~~as shown by the following formula,~~] shall be calculated [~~for a given month, on a statewide basis, as illustrated by the following formula:~~ on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard on a statewide basis for three consecutive months.]

$$\frac{\text{Cumulative SAI in seconds}}{\text{Calls answered by a live agent}} = \text{Business office answer time}$$

Exclude from this report [~~the following:~~ automated transactions where the customer did not opt to speak to a live agent.]

- [~~1. Customer initiated web transactions; and~~
- ~~2. Customer initiated automated transactions.~~

~~I. Business office hold time is a measure of workforce efficiency in processing customer requests. The performance threshold shall be an average hold time of no greater than 60 seconds. Business office hold time is any period after the call has been answered when the live agent is not actively engaged with the customer. This measurement shall be calculated for a given month, on a statewide basis, as illustrated by the following formula:~~

$$\frac{\text{Total hold time in seconds}}{\text{Total calls placed on hold by a live agent}} = \text{Business office hold time}$$

[~~J. H.~~] Repair center access is a measure of a LEC's ability to provide a sufficient number of lines or trunks to reach its repair

~~center. [A LEC shall maintain a performance threshold of 99% or greater of calls not blocked from entering its automated answering system or reaching The standard for satisfactory performance shall be that no less than 90% of repair center calls enter a LEC's automated answering system or reach] a live agent for a LEC not utilizing an automated answering system. This measurement [, as shown by the following formula,] shall be calculated [for a given month on a monthly basis], based on the busy hour, [on a statewide basis, as illustrated by the following formula: and shall be reported to the staff if the LEC fails to meet the performance standard on a statewide basis for three consecutive months.]~~

$$\frac{\text{Busy hour calls not blocked}}{\text{Busy hour call attempts}} \times 100 = \frac{\text{Repair center}}{\text{access percentage}}$$

[~~K. I.~~] Repair center answer time is a measure of [~~workforce performance in answering business office calls in a timely manner~~] a LEC's ability to provide a sufficient workforce to render timely assistance to customers calling its repair center]. The [~~performance threshold standard for satisfactory performance~~] for repair center answer time shall be an average SAI of no greater than [~~30 60~~] seconds. A call is considered to have been answered when a live agent is ready to render assistance or accept the information necessary to process the call. [~~In automated transaction systems where a customer transaction can be completed without the assistance of a live agent, a customer shall be given the option to reach a live agent at any time during the automated transaction.~~] Information [~~including, other than that necessary to direct customers to a live agent,~~] for example, marketing or promotional material provided by an automated answering system, [~~other than that necessary to direct customers to a live agent,~~] shall be included in the cumulative SAI. This measurement [~~as shown by the following formula,~~] shall be calculated [~~for a given month, on a statewide basis, as illustrated by the following formula:~~ on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard on a statewide basis for three consecutive months.]

$$\frac{\text{Cumulative SAI in seconds}}{\text{Calls answered by a live agent}} = \text{Repair center answer time}$$

Exclude from this report [~~the following:~~ automated transactions where the customer did not opt to speak to a live agent.]

- [~~1. Customer initiated web transactions; and~~
- ~~2. Customer initiated automated transactions.~~

~~L. Repair center hold time is a measure of workforce efficiency in processing customer trouble reports. The performance threshold shall be an average customer hold time of no greater than 60 seconds. Repair center hold time is any period after the call has been answered when the live agent is not actively engaged with the customer. This measurement shall be calculated for a given month, on a statewide basis, as illustrated by the following formula:~~

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~~Total hold time in seconds~~

~~Repair center hold time~~

~~Total calls placed on hold by a live agent]~~

~~[M. J.] Operator access is a measure of a LEC's ability to provide a sufficient number of lines or trunks to reach operator services at all times. [A LEC shall maintain a performance threshold of 99% or greater of calls not blocked from entering its automated answering system or reaching The standard for satisfactory performance shall be that no less than 95% of operator calls enter a LEC's automated answering system or reach] a live agent for a LEC not utilizing an automated answering system. This measurement [, as shown by the following formula,] shall be calculated [for a given month on a monthly basis, based on the busy hour, [on a statewide basis, as illustrated by the following formula: and shall be reported to the staff if the LEC fails to meet the performance standard on a statewide basis for three consecutive months.]~~

~~Busy hour calls not blocked~~

~~X 100 = Operator access~~

~~Busy hour call attempts~~

~~[N. K.] Operator answer time is a measure of [workforce performance in answering a LEC's ability to provide a sufficient workforce to render timely assistance to customers placing] directory assistance, collect, third-party billed, person-to-person, emergency, and other calls [in a timely manner]. The [standard for satisfactory] performance [threshold] for operator answer time shall be an average SAI of no greater than [45 20] seconds. A call is considered to have been answered when a live agent is ready to render assistance or accept the information necessary to process the call. [In automated transaction systems where a customer transaction can be completed without the assistance of a live agent, a customer shall be given the option to reach a live agent at any time during the automated transaction.] Information [including other than that necessary to direct customers to a live agent], for example, marketing or promotional material provided by an automated answering system, [other than that necessary to direct customers to a live agent,] shall be included in the cumulative SAI. This measurement [, as shown by the following formula,] shall be calculated [for a given month as illustrated by the following formula: on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard on a statewide basis for three consecutive months.]~~

~~Cumulative SAI in seconds~~

~~= Operator answer time~~

~~Calls answered by a live agent~~

~~Exclude from this report [customer-initiated] automated transactions [where the customer did not opt to speak to a live agent].~~

~~[O. Nondispatchable service orders completed within two business days are a measure of a LEC's ability to complete installation and disconnection work requests, not requiring a~~

~~dispatch of outside plant personnel, in a timely manner. A LEC shall complete no less than 90% of installations for one to five NALs within two business days. Nondispatchable service orders include requests for new service, transfers to new locations, additions to existing service, and requests for disconnection.~~

~~This measurement shall be calculated for a given month as illustrated by the following formula:~~

$$\frac{\text{Nondispatchable service orders completed within two business days}}{\text{Total nondispatchable service orders}} \times 100 = \text{Percentage of nondispatchable service orders completed within two business days}$$

~~Exclude from this report the following:~~

- ~~1. Customer requested extended interval installation orders; and~~
- ~~2. Orders completed late due to customer caused delay.~~

~~P. Dispatchable service orders completed within five business days are a measure of a LEC's ability to complete installation and disconnection work requests, requiring a dispatch of outside plant personnel, in a timely manner. A LEC shall complete no less than 90% of installations for one to five NALs within five business days. Dispatchable service orders include requests for new service, transfers to new locations, additions to existing service, and requests for disconnection.~~

~~This measurement shall be calculated for a given month as illustrated by the following formula:~~

$$\frac{\text{Dispatchable service orders completed within five business days}}{\text{Total dispatchable orders}} \times 100 = \text{Percentage of dispatchable service orders completed within five business days}$$

~~Exclude from this report the following:~~

- ~~1. Customer requested extended interval installation orders;~~
- ~~2. Orders completed late due to customer caused delay; and~~
- ~~3. Scheduled installations on which the employee or agent, upon arriving at a customer location during the agreed upon time, was unable to gain access to customer equipment necessary to perform the work.~~

~~L. Service orders completed within five business days is a measure of a LEC's ability to complete installation and disconnection work requests in a timely manner. The standard for satisfactory performance shall be that no less than 90% of installations for one to five NALs are completed within five business days. Service orders include requests for new service, transfers to new locations, additions to existing service, and requests for disconnection. This measurement, as shown by the following formula, shall be calculated on a monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard on a statewide basis for three consecutive months.~~

$$\frac{\text{Service orders completed within five business days}}{\text{Total orders}} \times 100 = \text{Percentage of service orders completed within five business days}$$

shall be reported to the staff if the LEC fails to meet the performance standard for three consecutive months:]

$$\frac{[\text{Total}] \text{ Commitments met}}{[\text{Total}] \text{ Commitments made}} \times 100 = \text{Percentage of customer commitments met}$$

Exclude from this report the following:

1. Customer requested extended interval installation orders;
2. Orders completed late due to customer caused delay; and
3. Scheduled installations in which the employee or agent of a LEC upon arriving at the customer location is unable to gain access to the rate demarcation point within the scheduled time frame, and access is necessary to perform the work.]

Exclude from this report commitments missed [~~due to inability to gain access to~~ in which the employee or agent of a LEC, upon arriving at the] customer [~~equipment~~ location, is unable to gain access to the rate demarcation point within the scheduled time frame, and access is] necessary to perform the work.

20 VAC 5-427-150. Transmission and auditing standards.

A. The copper twisted loop transmission standards are as follows:

[~~Q. M.~~] Service orders completed within 30 calendar days [~~are is~~] a measure of a LEC's ability to forecast installation work requests in a manner to meet customer demand. [~~A LEC shall complete~~ The standard for satisfactory performance shall be that] no less than 99% of installations for one to five NALs [~~are completed~~] within 30 calendar days. Installation orders include requests for new service or transfers to new locations.

1. [~~Properly~~ Fully] load all voice grade loops greater than 18,000 feet;
2. No load coils on loops 18,000 feet or less;
3. [~~Central office end section shall be~~ Loop length from central office to first load coil approximately] 1/2 of one standard load section [~~for loaded loops~~];
4. [~~The customer end section should be no more than~~ Loop length from last load coil to rate demarcation point approximately] 1-1/2 standard load sections;
5. No bridged taps between load coils;
6. Tip Ground, Ring Ground, or Tip Ring leakage [~~should be~~] equal to or greater than 100K ohms;
7. Longitudinal noise less than or equal to 80 dBmC;
8. Metallic noise less than 20 dBmC; and
9. 100% cable shield integrity between office frame ground and customer terminal.

This measurement [, as shown by the following formula,] shall be calculated [~~for on~~] a [~~given month as illustrated by the following formula:~~ monthly basis and shall be reported to the staff if the LEC fails to meet the performance standard on a statewide basis for three consecutive months.]

$$\frac{\text{Service [~~order~~ orders] completed within 30 calendar days}}{\text{Total installation orders}} \times 100 = \text{Percentage of service orders completed within 30 calendar days}$$

B. In conducting a copper twisted pair transmission audit, the following shall be considered major faults:

Exclude from this report the following:

1. Customer-requested extended interval installation orders;
2. Orders completed late due to customer caused delay; and
3. Scheduled installations [~~on in~~] which the employee or agent [~~of a LEC~~], upon arriving at [~~a the~~] customer location [~~during the agreed upon time, was~~ , is] unable to gain access to [~~customer equipment~~ the rate demarcation point within the scheduled time frame, and access is] necessary to perform the work.

1. Missing coil or coils on loops exceeding 18,000 feet;
2. Customer located less than 1/2 load section distance from last coil;
3. Customer [~~end section located~~] more than [~~40,000 feet~~ 1-1/2 load sections] from last coil;
4. Deviation greater than 10% from standard load spacing;
5. Double loads;
6. Wrong type load coils;
7. Load coils varying more than 25% from threshold load coil;
8. Load coils on a loop 18,000 feet or less;
9. More than a 12% deviation on the standard spacing on the office end section;
10. Bridged taps between load coils;

[~~R. Customer~~ N.] Commitments met [~~are is~~] a measure of a [~~LECs LEC's~~] ability to [~~complete meet~~] customer installation and repair [~~requests on time~~ appointment times]. [~~A LEC shall meet~~ The standard for satisfactory performance shall be that] no less than 90% of [~~customer~~] commitments [~~are met~~]. This measurement [, as shown by the following formula,] shall be calculated for [~~a given month, per each~~] central office serving area, [~~as illustrated by the following formula:~~ or by some other relevant designation as determined by the staff on a case-by-case basis, on a monthly basis and

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11. Tip Ground, Ring Ground, or Tip Ring leakage less than 100K ohms;
12. Voltage greater than 15 volts AC;
13. Voltage greater than 10 volts DC;
14. Longitudinal noise greater than 90 dBrnC; and
15. Metallic noise greater than 20 dBrnC.

C. In conducting a copper twisted pair transmission audit, the following shall be considered minor faults:

1. Longitudinal noise greater than 80 but less than or equal to 90 dBrnC; and
2. Failure to maintain shield continuity.

D. A rate exceeding 6.0% in the major fault category or a rate exceeding 16% in the minor fault category will constitute a failed inspection. A failed inspection shall require a corrective action plan when appropriate as determined by the staff, as set forth in [~~20 VAC 5-427-170~~ 20 VAC 5-427-180].

E. The staff may audit the design, construction, and maintenance of network facilities. A LEC shall participate in such audits as requested by the staff.

~~[20 VAC 5-427-160. Commission complaint threshold.~~

~~The commission complaint threshold is a measure of the number of justified commission complaints filed with the commission or staff against a LEC in a calendar year. Justified commission complaints in excess of one per 1,000 NALs, annualized, is unsatisfactory.~~

20 VAC 5-427-160. Trunk group blockage.

The rate of trunk group blockage is a measure of the quality of a LEC's engineering, forecasting, and maintenance of its circuit-switched inter- and intra-exchange trunk paths. The standard for satisfactory performance shall be less than or equal to 2.0 % call blockage, during the busy hour, per month. The commission or the staff may conduct an investigation of trunk group blockage based solely on customer complaints. This measurement, when requested by the commission or staff as part of an investigation, shall be calculated for the trunk groups in question, as shown by the following formula:

$$\frac{\text{Busy hour calls blocked}}{\text{Busy hour calls attempted}} \times 100 = \text{Trunk blockage}$$

1. Include in this report the following:
 - a. Final trunk groups that carry local traffic;
 - b. Final trunk groups that carry two-way local and long distance traffic between a central office and an access tandem switch; and
 - c. Umbilicals or links that carry local traffic between central offices, including remotes.
2. Exclude from this report the following:

- a. Trunk groups that alternately route calls to another trunk group in handling public message calls; and
- b. Trunk groups that are dedicated to private or virtual private line use and trunk groups associated with mass calling networks or both.]

~~[20 VAC 5-427-170. Action plan to remedy noncompliance.~~

~~A. A LEC subject to the reporting requirements of 20 VAC 5-427-140 shall submit a written action plan to remedy noncompliance if a LEC has:~~

- ~~1. Failed to meet a service quality performance standard established in 20 VAC 5-427-140 for at least three consecutive months;~~
- ~~2. Failed an audit pursuant to 20 VAC 5-427-150; or~~
- ~~3. Exceeded the commission complaint threshold pursuant to 20 VAC 5-427-160.~~

~~B. An action plan to remedy noncompliance shall be submitted to the staff within 30 days following the reported noncompliance or as otherwise requested by the staff. An action plan shall at a minimum contain:~~

- ~~1. A complete identification of the cause of noncompliance;~~
- ~~2. An explicit remedy or corrective action and a schedule of implementation of the remedial or corrective action to be taken by a LEC; and~~
- ~~3. A date by which a LEC will complete the remedial or corrective action identified.~~

~~C. Compliance by a LEC with the provisions of this section does not preclude the commission from further enforcement under its regulatory authority.~~

20 VAC 5-427-170. Commission complaints.

Commission complaints are a measure of a LEC's ability to resolve customer complaints adequately and independently. The standard for satisfactory performance shall be less than one justified commission complaint per 1,000 NALs per year. Commission complaints within the satisfactory range may still be indicative of problems not otherwise addressed by this chapter. Accordingly, the commission or staff may investigate commission complaints without regard to a LEC's performance in this standard.

20 VAC 5-427-180. Remedies.

A. A LEC subject to the provisions of this chapter shall, upon request of the staff, take corrective action to remedy any area of unsatisfactory performance or to address commission complaints.

B. A LEC subject to the provisions of this chapter shall, upon request of the staff, submit a corrective action plan to address any area of noncompliance or commission complaints. Such action plan shall be submitted to the staff within 30 days unless otherwise requested by the staff. An action plan shall at a minimum contain:

1. A complete identification of the cause of unsatisfactory performance or commission complaints;

2. An explicit remedy or corrective action and a schedule of implementation of the remedial or corrective action to be taken by a LEC; and

3. A date by which a LEC will complete the remedial or corrective action identified.

C. Failure by a LEC to meet any of the provisions of this chapter may result in enforcement and sanctions by the commission pursuant to its regulatory authority and applicable statutes.]

[~~20 VAC 5-427-180~~ 20 VAC 5-427-190]. Waiver.

The commission may, at its discretion, waive or grant exceptions to any provision of this chapter.

VA.R. Doc. No. R03-309; Filed October 13, 2004, 11:16 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

Title of Regulation: 4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20, and 4 VAC 20-720-40 through 4 VAC 20-720-100).

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

Effective Date: October 1, 2004.

Summary:

The amendments establish harvest restrictions for the 2004-2005 public oyster harvest season.

Agency Contact: K. V. Leonard, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2110.

4 VAC 20-720-20. Definitions.

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

~~"Deep Rock Dredge Area" means the area described as follows: starting at Cherry Point, Gwynns Island, thence northeast to G'1P" along the south side of channel to Piankatank River; thence east southeast to G'1R"; thence southwest to Sandy Point, Gwynns Island, north of Hole in Wall (see map).~~

"Deep Water Shoal State Replenishment Seed Area (DWS)" in the James River (574.66 Acres) means the areas beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, north 302,280.00, east 2,542,360.00; thence north azimuth 30°49'59", 4,506.99 feet to Corner 2, north 306,150.00, east 2,544,670.00; thence north azimuth 135°08'57", 5,430.60 feet to Corner 3, north 302,300.00, east 2,548,500.00; thence north azimuth 212°13'54", 3,487.42 feet to Corner 4, north 299,350.00, east 2,546,640.00; thence north azimuth 269°10'16", 2,765.29 feet to Corner 5, north 299,310.00, east 2,543,875.00; thence north azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning.

"Great Wicomico River Hand Scrape Area" means that area of a line drawn from Sandy Point to Cockrell Point.

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

"James River Hand Scrape Area" means that area of the James River west of the Monitor and Merrimac Bridge Tunnel to the James River Bridge (Route 17).

"Pocomoke and Tangier Sounds Management Area (PTSMA)" means the area as defined in § 28.2-524 of the Code of Virginia.

"Pocomoke Sound" means that area northeast from a line from Beach Island Light to the house on the Great Fox Island.

~~"Pocomoke Sound Hand Scrape Area" means that area northeast of the Pocomoke and Tangier Management Area near Saxis.~~

"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia, all ground set aside as public oyster ground by court order, and all ground set aside as public oyster ground by order of the Marine Resources Commission.

"Rappahannock River Drumming Ground Hand Scrape Area" means that portion of the Rappahannock and Corrotoman River, west of the Route 3 bridge (Norris Bridge), and north of a line from the center of the Route 3 bridge (Norris Bridge) following westward along the channel to Towles Point at Buoy "R6," excluding the Corrotoman River north of a line from Balls Point to Corrotoman Point. (See map.)

"Rappahannock River Hand Scrape Area" means that area including all public grounds between a line extending from the eastern-most point of Long Point thence in an easterly direction to flashing red buoy "8"; thence due east to Rogue Point, upriver to a line extending from Tarpley Point; thence in a southwesterly direction to flashing green buoy "13"; thence south-southwesterly to Jones Point. (See map.)

"Rappahannock River Temples Bay Hand Scrape Area" means that area in the Rappahannock River, west of the Route 3 bridge (Norris Bridge) and south of a line drawn from the center of the Route 3 bridge (Norris Bridge) upriver to Towles Point continuing the line upriver to red buoy 8; thence across to the southside of the river to Long Point, thence back to the Route 3 bridge (Norris Bridge) along the southern shoreline. (See map.)

"Tangier Sound" means that area from Tangier Light North to the Maryland-Virginia line (red buoy #6).

"Tangier Sound Hand Tong Area" means that area in the PTSMA south and west of a line from Fishbone Island thence southeast to bell buoy "5", thence south southwest to buoy "3" (such area to include all of Public Ground 3 and Flat Rock) and shall be a hand tong area only (see map) and Cod Harbor (approximately 1,124 acres) beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85; thence south 79°59', east 2,260 feet to a line designating the western extent of the PTSMA as described in § 28.2-524 of the Code of Virginia; thence south 10°16', west 2,800 feet; thence south 28°46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east, 2,728,014.94; thence along the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning. (See map.)

"Unassigned ground" means all grounds other than public oyster ground as defined by this chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

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

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

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and James River Jail Island and Point of Shoals Clean Cull Areas: October 1, ~~2003~~ 2004, through April 30, ~~2004~~ 2005. By hand tong only.
2. Seaside of Eastern Shore: for clean cull oysters only, November 1, ~~2003~~ 2004, through January 31, ~~2004~~ 2005. By hand only.
3. The Rappahannock River Hand Scrape Area; the Rappahannock River Drumming Ground Hand Scrape Area; the Rappahannock River Temples Bay Hand Scrape Area: October 15, ~~2003~~ 2004, through January 15, ~~2004~~ 2005.
4. That area of the Rappahannock River, west of the line drawn from Tarpley Point to green buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (PRV6A to PRV6B; and PRV5A to PRV5C, respectively); that area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur); that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; that area of the Piankatank River, west of the Route 3 bridge; and Little Wicomico River: October 15, ~~2003~~ 2004, through January 15, ~~2004~~ 2005. By hand tong only.
5. The following areas of the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the

Great Fox Island, excluding the Tangier Sound Hand Tong Areas: December 1, ~~2003~~ 2004, through ~~March 31, 2004~~ February 28, 2005. By dredge only.

~~6. Deep Rock Dredge Area: March 1, 2004, through March 31, 2004.~~

~~7. 6. Great Wicomico River Hand Scrape Area and James River Hand Scrape Area: February 1, 2004 2005, through March 31, 2004 2005. By hand scrape only.~~

~~8. James River Hand Scrape Area: January 1, 2004, through February 29, 2004. By hand scrape only.~~

~~9. Pocomoke Sound Handscrape Area: March 1, 2004, through March 31, 2004. By hand scrape only.~~

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

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

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except the following areas: that area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; the Rappahannock River Hand Scrape Area; the Drumming Ground Hand Scrape Area; the Temples Bay Hand Scrape Area; that area of the Piankatank River west of the Route 3 bridge; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; the Little Wicomico River; the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line; the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island; the James River Seed Area; the James River Jail Island and Point of Shoals Clean Cull Areas; the Seaside of Eastern Shore; the Great Wicomico River Hand Scrape Area; ~~and the James River Hand Scrape Area; and the Deep Rock Dredge Area:~~ October 1, ~~2003~~ 2004, through September 30, ~~2004~~ 2005.
2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, ~~2004~~ 2005, through September 30, ~~2004~~ 2005.
3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1, 2004, through October 31, ~~2003~~ 2004, and February 1, ~~2004~~ 2005, through September 30, ~~2004~~ 2005; and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.
4. That area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River, north of the line

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drawn from Balls Point to Corrotoman Point; the Rappahannock River Hand Scrape; the Rappahannock River Drumming Ground Handscrape Area; the Rappahannock River Temples Bay Hand Scrape Area; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Piankatank River west of the Route 3 bridge; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; and Little Wicomico River: October 1, ~~2003~~ 2004, through October 14, ~~2003~~ 2004, and January 16, ~~2004~~ 2005, through September 30, ~~2004~~ 2005.

5. The following areas of the PTSMA: in Tangier, from Tangier Light north to the Maryland-Virginia line, and in the area of the PTSMA in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island: October 1, ~~2003~~ 2004, through November 30, ~~2003~~ 2004, and April 1, ~~2004~~ 2005, through September 30, ~~2004~~ 2005.

~~6. Deep Rock Dredge Area: October 1, 2003, through February 29, 2004, and April 1, 2004, through September 30, 2004.~~

~~7. 6. Great Wicomico River Hand Scrape Area; and the James River Hand Scrape Area: October 1, 2003 2004, through January 31, 2004 2005, and April 1, 2004 2005, through September 30, 2004 2005.~~

~~8. James River Hand Scrape Area: October 1, 2003, through December 31, 2003, and March 1, 2004, through September 30, 2004.~~

~~9. Pocomoke Sound Hand Scrape: October 1, 2003, through February 29, 2004, and April 1, 2004, through September 30, 2004.~~

4 VAC 20-720-60. Day and time limit.

A. It shall be unlawful to take, catch or possess oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest. The presence of any gear normally associated with the harvesting of oysters on board the boat or other vehicle used during any harvesting under this exception shall be prima facie evidence of violation of this chapter.

B. It shall be unlawful for any person to harvest or attempt to harvest oysters prior to sunrise or after 2 p.m. from the areas described in subdivisions 1, and 3 through 9 6 of 4 VAC 20-720-40.

C. The Commissioner of Marine Resources hereby is authorized to issue licenses to applicants to dredge for oysters where permitted on public oyster grounds by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided

that such license shall be granted only upon the condition that the boat not leave the dock until one hour before sunrise and be back at dock before sunset.

D. The Commissioner of Marine Resources hereby is authorized to issue licenses to applicants to hand scrape, as described in 4 VAC 20-720-20, for oysters where permitted on public oyster grounds by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such license shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

4 VAC 20-720-70. Gear restrictions.

A. It shall be unlawful for any person to have a hand scrape on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong.

B. It shall be unlawful for any person to harvest shellfish with a dredge from the public oyster grounds who has not first obtained a current gear license to use said dredge, and only at times and in areas as established by the commission can this dredge be used for harvesting on public oyster grounds. In order to be allowed to operate a dredge for harvesting oysters from any public oyster grounds, a harvester must have a current dredge gear license and the cost of this license shall be \$50.

C. It shall be unlawful for any person to harvest shellfish from the Rappahannock River Hand Scrape Area; Drumming Ground Hand Scrape Area; Great Wicomico River Hand Scrape Area; James River Hand Scrape Area; and Temples Bay Hand Scrape Area without first obtaining a valid hand scrape license at a cost of \$50.

D. It shall be unlawful for any person to harvest shellfish with a hand scrape from any public oyster grounds without first obtaining a valid hand scrape license and in accordance with times and areas established by the commission.

E. It shall be unlawful for any person to have more than one hand scrape on board any boat that is harvesting oysters or attempting to harvest oysters from public grounds. It shall be unlawful for any person to have a hand tong on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand scrape.

F. Harvesting with a standard oyster dredge shall be allowed ~~in that area in the Deep Rock Dredge Area and in the PTSMA in Tangier Sound from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, except for the designated hand tong areas.~~ Only a standard oyster dredge (maximum weight 150 pounds with attachment, maximum width of 50 inches, maximum tooth length of four inches, minimum teeth spacing of three inches) may be used.

4 VAC 20-720-80. Quotas and harvest limits.

A. In the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, there shall be an

oyster harvest quota of 80,000 bushels of seed oysters. It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached. In the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and Clean Cull Areas there shall be an oyster harvest quota of 15,000 bushels of market oysters. It shall be unlawful for any person to harvest market oysters from the James River Seed and Clean Cull Areas after the 15,000 bushel quota has been reached.

B. The lawful daily limit of clean cull oysters harvested from the areas as described in subdivisions 3, 4, ~~7-8~~, and ~~9~~ 6 of 4 VAC 20-720-40 shall be determined by the number of registered commercial fishermen licensees on board the vessel multiplied by eight bushels. It shall be unlawful to possess on board any vessel or to land more than the daily limit of clean cull oysters.

C. In the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, where harvesting is allowed by dredge, there shall be a harvest limit of ~~45~~ *eight per registered commercial fisherman licensee on board the vessel, not to exceed 16* bushels per day, per vessel. It shall be unlawful to possess on board any vessel more than ~~45~~ *16* bushels per day *or a registered commercial fisherman licensee to possess more than eight bushels per day*. No blue crab bycatch is allowed. It shall be unlawful to possess on board any vessel more than 250 hard clams.

~~D. In the Deep Rock Dredge Area there shall be a harvest limit of 15 bushels per day per vessel. It shall be unlawful to possess on board any vessel or to land more than 15 bushels per day per vessel. No blue crab bycatch is allowed. It shall be unlawful to possess on board any vessel more than 250 hard clams.~~

~~E.~~ D. Harvesters who export the oysters to an out-of-state market or do not sell the oysters to a licensed and Department of Health certified Virginia buyer but sell the oysters directly to the public for human consumption shall report oysters harvested on a daily basis and pay oyster taxes weekly.

4 VAC 20-720-90. Harvest permit required; the James River Hand Scrape Area and Seaside of Eastern Shore.

A. It shall be unlawful for any person to harvest, or attempt to harvest, oysters from leased oyster ground, fee simple ground, or aquacultural operations on the Seaside of Eastern Shore without first obtaining a harvest permit from the Marine Resources Commission.

B. Applicants for the harvest permit shall have paid all rent fees and shall specify the location of the lease or fee simple ground to be harvested and shall verify that the ground is marked properly as specified by 4 VAC 20-290-40 ~~et seq.~~

C. Applicants for the permit to harvest from aquacultural operations shall have these operations verified by the Marine Resources Commission and with this aquaculture harvest permit shall be exempt from all other fisheries

regulations pertaining to harvesting and handling of wild oyster stocks.

D. No person shall hold more than four permits at any time.

E. The aquaculture harvest permit does not eliminate or exempt the aquacultural operation from all applicable Division of Shellfish Sanitation regulations pertaining to the harvest and marketing of shellfish.

F. A permit is required for the James River Hand Scrape Area. It shall be unlawful for any person to harvest, or attempt to harvest, oysters from the James River Hand Scrape Area without first obtaining a harvest permit from the Marine Resources Commission as required by § 28.2-518 of the Code of Virginia.

4 VAC 20-720-100. Seed oyster planting procedures.

A. The marine patrol officer at the point of seed harvest may require that an officer be present during the seed planting. When this is required, it will be specified on the seed transfer permit. If an officer is required to be present at planting, the planter shall notify the law-enforcement officer in the area prior to planting. It shall be unlawful for the permittee or planter to plant the oysters without a marine patrol officer being present.

B. The planting of seed oysters shall consist of spreading the oysters loosely on the bottom of the planting area. It shall be unlawful to plant seed oysters in any manner except by spreading the oysters loosely on the bottom.

C. Seed oysters shall be placed on a designated and marked area of the private ground from which said oysters ~~will not~~ *are not* to be removed until after the public oyster season has closed (4 VAC 20-720-40). It shall be unlawful to reharvest these seed oysters prior to the end of the public oyster season.

VA.R. Doc. No. R05-40; Filed September 30, 2004, 11:04 a.m.

Title of Regulation: **4 VAC 20-1045. Pertaining to Establishment of Restricted Areas (adding 4 VAC 20-1045-10, 4 VAC 20-1045-20 and 4 VAC 20-1045-30).**

Statutory Authority: §§ 28.2-201, 28.2-507 and 28.2-518 of the Code of Virginia.

Effective Date: October 1, 2004.

Summary:

This regulation enables the Virginia Marine Police to enhance the physical security of bridge and tunnel complexes located in the waters of the Commonwealth of Virginia by prohibiting entrance into restricted areas when necessary.

Agency Contact: Robin Stippich, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-8088.

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4 VAC 20-1045-10. Purpose.

The purpose of this regulation is to enhance the physical security of bridge and tunnel complexes located in waters of the Commonwealth of Virginia. This regulation is part of a comprehensive plan to protect the public, environment and economic interests from sabotage and other subversive acts, accidents, or incidents of a similar nature.

4 VAC 20-1045-20. Activation and enforcement of restricted areas.

A. Pursuant to § 28.2-106.2 of the Code of Virginia, the following restricted areas are established adjacent to all bridge and tunnel complexes located in waters of the Commonwealth of Virginia including those that are privately owned. The restricted areas associated with this regulation shall only be activated when there is a specific threat or condition of heightened security for the port and shall remain active for the duration of the threat. Once the threat passes, the restricted area will be deactivated until such time as it is needed again. Restricted areas may be activated at any one bridge or all of the bridges. This decision is discretionary. The restricted areas authorized by this regulation are intended to complement appropriate threat-based restrictions on vehicular traffic at the bridge and tunnel complexes.

B. Restricted areas encompass all waters within 100 yards of any portion of any structure attached to or associated with any bridge or tunnel complex located in, on, or under navigable waters of the United States, located within the Commonwealth of Virginia. This authorization begins and ends at the ordinary mean high water line. The State Coordinator of Emergency Management of the Virginia Department of Emergency Management, or his designee, or the Commissioner of the Virginia Marine Resources Commission, or his designee, may increase the overall size of a restricted area as deemed necessary for the safety and security of the port, public, environment or economy.

C. No vessels or persons may enter restricted areas established in accordance with this regulation without the permission of persons in charge, or persons or agencies authorized to act in his behalf.

1. Patrol vessels enforcing the restricted area shall monitor marine channels (VHF) 13 and 16 at all times so vessels approaching a restricted area can contact them for instructions. Commercial and recreational vessels shall contact the Patrol Commander on channel 13 or 16 prior to entering a restricted area.

2. City, state and federal law-enforcement vessels shall contact the Patrol Commander of a restricted area on marine channel 13 or 16 or other channel designated by Port Operations Teams/Commanders/COTP prior to entering a restricted area.

D. Any vessels and/or persons that need to transit a restricted area because it encompasses a designated channel, fairway or established route of navigation, and where no reasonable alternative route of navigation exists, must contact the Patrol Commander prior to entering the restricted area. This regulation authorizes security

personnel to ascertain the identity and intent of the vessel. If a determination is made that the vessel and/or persons are a threat to a designated asset located within the restricted area, security units may take actions as provided by law or regulation that are deemed necessary to protect designated assets.

E. The primary enforcement agency for the Commonwealth of Virginia shall be the Virginia Marine Police, the law-enforcement division of the Virginia Marine Resources Commission and or agents or agencies authorized to act in their behalf.

F. Restricted areas under this regulation may be activated by the State Coordinator of Emergency Management of the Virginia Department of Emergency Management, or his designee, the Commissioner of the Virginia Marine Resources Commission, or his designee, or the Governor of the Commonwealth of Virginia, when specific information indicating that the bridge and tunnel complexes within the Commonwealth of Virginia have been threatened/targeted or a condition of heightened security for the ports exists. The activation of a restricted area shall be used in conjunction with appropriate vehicular restrictions unless the information obtained indicates that a specific waterborne threat exists.

G. The Commissioner of the Virginia Marine Resources Commission, or his designee, shall notify the public that a restricted area has been activated in association with the provisions of this regulation via the most efficient means that may include, but are not limited to, local broadcast notice to mariners, posting of signs, media releases, posting of public notices, patrol vessels and vehicles with loud speakers broadcasting from the bridges and waterways, or any other means necessary to inform the public.

H. The Commissioner of the Virginia Marine Resources Commission, or his designee, shall notify the public that a restricted area has been deactivated once a threat is determined to no longer exist via the most efficient means that may include, but are not limited to, local broadcast notice to mariners, media releases and posting of public notices.

4 VAC 20-1045-30. Penalty.

Any person violating the provisions of this regulation shall be guilty of a Class 1 misdemeanor.

VA.R. Doc. No. R05-41; Filed October 1, 2004, 9:57 a.m.



TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

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

Title of Regulation: 8 VAC 20-210. Classifications of Expenditures (amending 8 VAC 20-210-10).

Statutory Authority: § 22.1-115 of the Code of Virginia.

Effective Date: January 1, 2005.

Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or e-mail mroberts@mail.vak12ed.edu.

Summary:

The amendments conform the board's regulations to the language of § 22.1-115 of the Code of Virginia by changing the major classification of expenditures for use by local school boards when the division superintendent prepares the estimate of moneys needed for public schools.

8 VAC 20-210-10. Classification of expenditures.

The following major classification of expenditures is prescribed for use by local school boards when the division superintendent, with the approval of the school board, prepares the estimate of moneys needed for public schools.

1. Instruction;
2. ~~General Support Administration, attendance and health;~~
3. ~~Noninstructional Operation Pupil transportation;~~
4. ~~Other Uses of Funds; and Operation and maintenance;~~
5. ~~School food services and other nonoperations;~~
6. Facilities- ;
7. Debt and fund transfers; and
8. Contingency reserves.

VA.R. Doc. No. R05-48; Filed October 13, 2004, 11:53 a.m.



TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

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

Title of Regulation: 9 VAC 5-80. Permits for Stationary Sources (Rev. G04) (amending 9 VAC 5-80-2000 and 9 VAC 5-80-2010).

Statutory Authority: § 10.1-1308 of the Code of Virginia; §§ 110, 112, 165, 173, 182 and Title V of the Clean Air Act; and 40 CFR Parts 51, 61, 63, 70 and 72.

Effective Date: December 1, 2004.

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

Summary:

The amendment adds language to indicate that sources in the Ozone Transport Region (OTR) are subject to Article 9 (9 VAC 5-80-2000 et seq.) of this chapter. The statement that areas located in the OTR are subject regardless of their nonattainment status is added to emphasize this applicability as established by the federal Clean Air Act. A new section is added to emphasize the portion of the rule directly affected by inclusion of the OTR: offset requirements for ozone nonattainment areas classified as moderate. The definition of major stationary source is modified to include sources that emit or have the potential to emit 100 tons per year or more of nitrogen oxides or 50 tons per year of volatile organic compounds in the OTR. Finally, a definition of OTR is added.

Article 9.
Permits for Major Stationary Sources and Major Modifications
Locating in Nonattainment Areas or the Ozone Transport Region.

9 VAC 5-80-2000. Applicability.

A. The provisions of this article apply to any person seeking to construct or reconstruct any new major stationary source or to make a major modification to a major stationary source, if the source or modification is or would be major for the pollutant for which the area is designated as nonattainment.

B. The provisions of this article apply in (i) nonattainment areas designated in 9 VAC 5-20-204 or (ii) the Ozone

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Transport Region as defined in 9 VAC 5-80-2010 C. This article applies to all localities in the Ozone Transport Region regardless of a locality's nonattainment status.

C. Sources located or planning to locate in the Ozone Transport Region shall be subject to the offset requirements for areas classified as moderate in 9 VAC 5-80-2120 B 2.

~~G. D.~~ At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this article shall apply to the source or modification as though construction had not commenced on the source or modification.

~~D. E.~~ Where a source is constructed or modified in contemporaneous increments which individually are not subject to approval under this article and which are not part of a program of construction or modification in planned incremental phases approved by the board, all such increments shall be added together for determining the applicability of this article. An incremental change is contemporaneous with the particular change only if it occurs between the date five years before construction on the particular change commences and the date that the increase from the particular change occurs.

~~E. F.~~ Unless specified otherwise, the provisions of this article apply as follows:

1. Provisions referring to "sources," "new and/or modified sources" or "stationary sources" apply to the construction, reconstruction or modification of all major stationary sources and major modifications.
2. Any emissions units or pollutants not subject to the provisions of this article may be subject to the provisions of Article 6 (9 VAC 5-80-1100 et seq.), Article 7 (9 VAC 5-80-1400 et seq.), or Article 8 (9 VAC 5-80-1700 et seq.) of this part.
3. Provisions referring to "state and federally enforceable" and "federally and state enforceable" or similar wording shall mean "state-only enforceable" for terms and conditions of a permit designated state-only enforceable under 9 VAC 5-80-2020 E.

~~F. G.~~ Regardless of the exemptions provided in this article, no owner or other person shall circumvent the requirements of this article by causing or allowing a pattern of ownership or development over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit.

9 VAC 5-80-2010. Definitions.

A. As used in this article, all words or terms not defined here shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10), unless otherwise required by context.

B. For the purpose of this article, 9 VAC 5-50-270 and any related use, the words or terms shall have the meanings given them in subsection C of this section.

C. Terms defined.

"Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with subdivisions a through c of this definition.

a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The board shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

b. The board may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

c. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency (EPA) or an authorized representative.

"Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally and state enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- a. The applicable standards set forth in 40 CFR Parts 60 and 61;
- b. Any applicable Implementation Plan emissions limitation including those with a future compliance date; or
- c. The emissions limit specified as a federally and state enforceable permit condition, including those with a future compliance date.

"Applicable federal requirement" means all of the following as they apply to emissions units in a source subject to this article (including requirements that have been promulgated or approved by the administrator through rulemaking at the time of permit issuance but have future-effective compliance dates):

- a. Any standard or other requirement provided for in an implementation plan established pursuant to § 110 or § 111(d) of the federal Clean Air Act, including any source-specific provisions such as consent agreements or orders.
- b. Any limit or condition in any construction permit issued under the new source review program or in any operating

permit issued pursuant to the state operating permit program.

c. Any emission standard, alternative emission standard, alternative emission limitation, equivalent emission limitation or other requirement established pursuant to § 112 or § 129 of the federal Clean Air Act as amended in 1990.

d. Any new source performance standard or other requirement established pursuant to § 111 of the federal Clean Air Act, and any emission standard or other requirement established pursuant to § 112 of the federal Clean Air Act before it was amended in 1990.

e. Any limitations and conditions or other requirement in a Virginia regulation or program that has been approved by EPA under subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing § 112 of the federal Clean Air Act.

f. Any requirement concerning accident prevention under § 112(r)(7) of the federal Clean Air Act.

g. Any compliance monitoring requirements established pursuant to either § 504(b) or § 114(a)(3) of the federal Clean Air Act.

h. Any standard or other requirement for consumer and commercial products under § 183(e) of the federal Clean Air Act.

i. Any standard or other requirement for tank vessels under § 183(f) of the federal Clean Air Act.

j. Any standard or other requirement in 40 CFR Part 55 to control air pollution from outer continental shelf sources.

k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the federal Clean Air Act, unless the administrator has determined that such requirements need not be contained in a permit issued under this article.

l. With regard to temporary sources subject to 9 VAC 5-80-130, (i) any ambient air quality standard, except applicable state requirements, and (ii) requirements regarding increments or visibility as provided in Article 8 (9 VAC 5-80-1700 et seq.) of this part.

"Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping

if they belong to the same "major group" (i.e., which have the same two-digit code) as described in the "Standard Industrial Classification Manual," as amended by the supplement (see 9 VAC 5-20-21).

"Commence," as applied to construction of a major stationary source or major modification, means that the owner has all necessary preconstruction approvals or permits and either has:

a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner, to undertake a program of actual construction of the source, to be completed within a reasonable time.

"Complete application" means that the application contains all the information necessary for processing the application and the provisions of § 10.1-1321.1 of the Virginia Air Pollution Control Law have been met. Designating an application complete for purposes of permit processing does not preclude the board from requesting or accepting additional information.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

"Emissions cap" means any limitation on the rate of emissions of any regulated air pollutant from one or more emissions units established and identified as an emissions cap in any permit issued pursuant to the new source review program or operating permit program.

"Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act.

"Enforceable as a practical matter" means that the permit contains emission limitations that are enforceable by the board or the department and meet the following criteria:

a. Are permanent;

b. Contain a legal obligation for the owner to adhere to the terms and conditions;

c. Do not allow a relaxation of a requirement of the Implementation Plan;

d. Are technically accurate and quantifiable;

e. Include averaging times or other provisions that allow at least monthly (or a shorter period if necessary to be consistent with the Implementation Plan) checks on compliance. This may include, but not be limited to, the following: compliance with annual limits in a rolling basis, monthly or shorter limits, and other provisions consistent with 9 VAC 5-80-2050 and other regulations of the board; and

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f. Require a level of recordkeeping, reporting and monitoring sufficient to demonstrate compliance.

"Federally enforceable" means all limitations and conditions which are enforceable by the administrator and citizens under the federal Clean Air Act or that are enforceable under other statutes administered by the administrator. Federally enforceable limitations and conditions include, but are not limited to the following:

a. Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to § 112 of the federal Clean Air Act as amended in 1990.

b. New source performance standards established pursuant to § 111 of the federal Clean Air Act, and emission standards established pursuant to § 112 of the federal Clean Air Act before it was amended in 1990.

c. All terms and conditions in a federal operating permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable.

d. Limitations and conditions that are part of an implementation plan established pursuant to § 110 or § 111(d) of the federal Clean Air Act.

e. Limitations and conditions that are part of a federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by EPA in accordance with 40 CFR Part 51.

f. Limitations and conditions that are part of an operating permit issued pursuant to a program approved by EPA into a SIP as meeting EPA's minimum criteria for federal enforceability, including adequate notice and opportunity for EPA and public comment prior to issuance of the final permit and practicable enforceability.

g. Limitations and conditions in a Virginia regulation or program that has been approved by EPA under subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing § 112 of the federal Clean Air Act.

h. Individual consent agreements that EPA has legal authority to create.

"Fixed capital cost" means the capital needed to provide all the depreciable components.

"Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Lowest achievable emissions rate" means for any source, the more stringent rate of emissions based on the following:

a. The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner of the proposed stationary source demonstrates that such limitations are not achievable; or

b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a

modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

"Major modification"

a. Means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any qualifying nonattainment pollutant.

b. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.

c. A physical change or change in the method of operation shall not include:

(1) Routine maintenance, repair and replacement;

(2) Use of an alternative fuel or raw material by a stationary source which:

(a) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally and state enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or this chapter; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21 or this chapter;

(3) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally and state enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or this chapter.

"Major new source review (major NSR)" means a program for the preconstruction review of changes that are subject to review as new major stationary sources or major modifications under Article 7 (9 VAC 5-80-1400 et seq.), Article 8 (9 VAC 5-80-1700 et seq.) or Article 9 (9 VAC 5-80-2000 et seq.) of this part.

"Major stationary source"

a. Means:

(1) Any stationary source of air pollutants which emits, or has the potential to emit, (i) 100 tons per year or more of any nonattainment pollutant, (ii) 50 tons per year or more of volatile organic compounds or nitrogen oxides in ozone nonattainment areas classified as serious in 9 VAC 5-20-204, or (iii) 25 tons per year or more of volatile organic compounds or nitrogen oxides in ozone nonattainment areas classified as severe in 9 VAC 5-20-204, or (iv) 100 tons per year or more of nitrogen oxides or 50 tons per year of volatile organic compounds in the Ozone Transport Region; or

(2) Any physical change that would occur at a stationary source not qualifying under subdivision a (1) of this definition as a major stationary source, if the change would constitute a major stationary source by itself.

b. A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

c. The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this article whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (1) Coal cleaning plants (with thermal dryers).
- (2) Kraft pulp mills.
- (3) Portland cement plants.
- (4) Primary zinc smelters.
- (5) Iron and steel mills.
- (6) Primary aluminum ore reduction plants.
- (7) Primary copper smelters.
- (8) Municipal incinerators (or combinations of them) capable of charging more than 250 tons of refuse per day.
- (9) Hydrofluoric acid plants.
- (10) Sulfuric acid plants.
- (11) Nitric acid plants.
- (12) Petroleum refineries.
- (13) Lime plants.
- (14) Phosphate rock processing plants.
- (15) Coke oven batteries.
- (16) Sulfur recovery plants.
- (17) Carbon black plants (furnace process).
- (18) Primary lead smelters.
- (19) Fuel conversion plants.
- (20) Sintering plants.
- (21) Secondary metal production plants.
- (22) Chemical process plants.
- (23) Fossil-fuel boilers (or combination of them) totaling more than 250 million British thermal units per hour heat input.
- (24) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
- (25) Taconite ore processing plants.
- (26) Glass fiber manufacturing plants.
- (27) Charcoal production plants.

(28) Fossil fuel steam electric plants of more than 250 million British thermal units per hour heat input.

(29) Any other stationary source category which, as of August 7, 1980, is being regulated under § 111 or § 112 of the federal Clean Air Act.

"Minor new source review (minor NSR)" means a program for the preconstruction review of changes that are subject to review as new or modified sources and that do not qualify as new major stationary sources or major modifications under Article 7 (9 VAC 5-80-1400 et seq.), Article 8 (9 VAC 5-80-1700 et seq.) or Article 9 (9 VAC 5-80-2000 et seq.) of this part.

"Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations, and those air quality control laws and regulations which are part of the applicable Implementation Plan.

"Net emissions increase"

a. Means the amount by which the sum of the following exceeds zero:

- (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
- (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs. For sources located in ozone nonattainment areas classified as serious or severe in 9 VAC 5-20-204, an increase or decrease in actual emissions of volatile organic compounds or nitrogen oxides is contemporaneous with the increase from the particular change only if it occurs during a period of five consecutive calendar years which includes the calendar year in which the increase from the particular change occurs.

c. An increase or decrease in actual emissions is creditable only if:

- (1) It occurs between the date five years before construction on the change specified in subdivision a (1) of this definition commences and the date that the increase specified in subdivision a (1) of this definition occurs; and
- (2) The board has not relied on it in issuing a permit for the source pursuant to this chapter which permit is in effect when the increase in actual emissions from the particular change occurs.

d. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

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e. A decrease in actual emissions is creditable only to the extent that:

- (1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
- (2) It is federally and state enforceable at and after the time that actual construction on the particular change begins;
- (3) The board has not relied on it in issuing any permit pursuant to this chapter or the board has not relied on it in demonstrating attainment or reasonable further progress in the Implementation Plan; and
- (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

f. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New source review program" means a program for the preconstruction review and permitting of new stationary sources or expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§ 110 (a)(2)(C), 165 (relating to permits in prevention of significant deterioration areas), 173 (relating to permits in nonattainment areas), and 112 (relating to permits for hazardous air pollutants) of the federal Clean Air Act.

"Nonattainment pollutant" means, within a nonattainment area, the pollutant for which such area is designated nonattainment. For ozone nonattainment areas, the nonattainment pollutants shall be volatile organic compounds (including hydrocarbons) and nitrogen oxides.

"Ozone transport region" means the area established by § 184(a) of the federal Clean Air Act or any other area established by the administrator pursuant to § 176A of the federal Clean Air Act for purposes of ozone. For the purposes of this article, the Ozone Transport Region consists of the following localities: Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment, and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally and state enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Public comment period" means a time during which the public shall have the opportunity to comment on the new or modified source permit application information (exclusive of confidential information), the preliminary review and analysis of the effect of the source upon the ambient air quality, and the preliminary decision of the board regarding the permit application.

"Qualifying pollutant" means, with regard to a major stationary source, any pollutant emitted in such quantities or at such rate as to qualify the source as a major stationary source.

"Reasonable further progress" means the annual incremental reductions in emissions of a given air pollutant (including substantial reductions in the early years following approval or promulgation of an implementation plan and regular reductions thereafter) which are sufficient in the judgment of the board to provide for attainment of the applicable ambient air quality standard within a specified nonattainment area by the attainment date prescribed in the Implementation Plan for such area.

"Reconstruction" means when the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new stationary source. Any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of subdivisions a through c of this definition. A reconstructed stationary source will be treated as a new stationary source for purposes of this article.

- a. The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility.
- b. The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility.
- c. The extent to which the components being replaced cause or contribute to the emissions from the facility.

"Regulated air pollutant" means any of the following:

- a. Nitrogen oxides or any volatile organic compound;
- b. Any pollutant for which an ambient air quality standard has been promulgated;
- c. Any pollutant subject to any standard promulgated under § 111 of the federal Clean Air Act;
- d. Any pollutant subject to a standard promulgated under or other requirements established under § 112 of the federal Clean Air Act concerning hazardous air pollutants and any pollutant regulated under 40 CFR Part 63; or
- e. Any pollutant subject to a regulation adopted by the board.

"Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this article, secondary emissions

must be specific, well defined, quantifiable, and affect the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- a. Ozone nonattainment areas classified as serious or severe in 9 VAC 5-20-204.

POLLUTANT	EMISSIONS RATE
Carbon Monoxide	100 tons per year (tpy)
Nitrogen Oxides	25 tpy
Sulfur Dioxide	40 tpy
Particulate Matter	25 tpy
Ozone	25 tpy of volatile organic compounds
Lead	0.6 tpy

- b. Other nonattainment areas.

POLLUTANT	EMISSIONS RATE
Carbon Monoxide	100 tons per year (tpy)
Nitrogen Oxides	40 tpy
Sulfur Dioxide	40 tpy
Particulate Matter	25 tpy
Ozone	40 tpy of volatile organic compounds
Lead	0.6 tpy

"State enforceable" means all limitations and conditions that are enforceable as a practical matter, including any regulation of the board, those requirements developed pursuant to 9 VAC 5-170-160, requirements within any applicable order or variance, and any permit requirements established pursuant to this chapter.

"State operating permit program" means a program for issuing limitations and conditions for stationary sources in accordance with Article 5 (9 VAC 5-80-800 et seq.) of this part, promulgated to meet EPA's minimum criteria for federal enforceability, including adequate notice and opportunity for EPA and public comment prior to issuance of the final permit and practicable enforceability.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the federal Clean Air Act.

"Synthetic minor" means a stationary source whose potential to emit is constrained by state-enforceable and federally enforceable limits, so as to place that stationary source below the threshold at which it would be subject to permit or other requirements governing major stationary

sources in regulations of the board or in the federal Clean Air Act.

VA.R. Doc. No. R05-43; Filed October 7, 2004, 4:21 p.m.

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9 VAC 5-80. Permits for Stationary Sources (Rev. L04) (amending 9 VAC 5-80-2250).

Statutory Authority: § 10.1-1308 of the Code of Virginia; §§ 110, 112, 165, 173, and 182 and Title V of the Clean Air Act; and 40 CFR Parts 51, 61, 63, 70 and 72.

Effective Date: December 1, 2004.

Agency Contact: Gary Graham, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4103, FAX (804) 698-4510 or e-mail gegraham@deq.virginia.gov.

Summary:

The applicability section lists "permit applications for the construction of a major source, as defined in 40 CFR 63.2" among those applications that are subject to permit application fees. The qualifying phrase "at an undeveloped site" is added to subdivision 9 VAC 5-80-2250 A 1 b.

9 VAC 5-80-2250. Applicability.

A. Except as provided in subsection C of this section, the provisions of this article apply as follows:

1. For permit applications subject to review under the provisions of Article 6 (9 VAC 5-80-1100 et seq.) of this part, the provisions of this article shall apply to any of the following:

- a. Permit applications for the construction of a major stationary source at an undeveloped site.
- b. Permit applications for the construction of a major source, as defined in 40 CFR 63.2 *at an undeveloped site*.
- c. Applications for coverage of a major stationary source (or portion thereof) or a major source (or portion thereof) under a general permit issued for a stationary source category, if the source is to be located at an undeveloped site.
- d. Permit applications for the reactivation of any major source or major stationary source that was shut down in accordance with 9 VAC 5-20-220.

2. For permit applications subject to review under the provisions of Article 7 (9 VAC 5-80-1400 et seq.) of this

Final Regulations

part, the provisions of this article apply to permit applications for the construction of a major source at an undeveloped site.

3. For permit applications subject to review under the provisions of Article 8 (9 VAC 5-80-1700 et seq.) or Article 9 (9 VAC 5-80-2000 et seq.) of this part, the provisions of this article apply to any of the following:

- a. Permit applications for the construction of a major stationary source at an undeveloped site.
- b. Permit applications for the reactivation of any major stationary source that was shut down in accordance with 9 VAC 5-80-1930 or 9 VAC 5-20-220.

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

C. The provisions of this article shall not apply to the following:

1. Applications for permits for reconstruction of all or part of any stationary source, providing that the application is not otherwise subject to permit application fees pursuant to the provisions of subsection A of this section.

2. Applications that are deemed complete prior to July 1, 2004.

D. The department shall make any final determinations required by this article, including, but not limited to:

1. The applicability of this article;
2. Any applicability determinations required pursuant to Articles 6 (9 VAC 5-80-1100 et seq.), 7 (9 VAC 5-80-1400 et seq.), 8 (9 VAC 5-80-1700 et seq.) and 9 (9 VAC 5-80-2000 et seq.) of this part that affect the applicability of this article; and
3. The amount of permit application fees owed.

VA.R. Doc. No. R05-42; Filed October 7, 2004, 4:20 p.m.

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TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

REGISTRAR'S NOTICE: The Department of State Police is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 6 of the Code of Virginia, which exempts agency action relating to customary military, naval or police functions.

Due to its length, 19 VAC 30-70 is not being published. However, in accordance with § 2.2-4031 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of State Police (see contact information below) and is accessible on the Virginia Register of Regulations website at:

<http://register.state.va.us/vol21/welcome.htm>; or
<http://register.state.va.us/vol21/iss04/f19v3070full.doc>.

Title of Regulation: 19 VAC 30-70. **Motor Vehicle Safety Inspection Rules and Regulations (amending 19 VAC 30-70-1, 19 VAC 30-70-2, 19 VAC 30-70-6, 19 VAC 30-70-7, 19 VAC 30-70-8, 19 VAC 30-70-10, 19 VAC 30-70-30 through 19 VAC 30-70-110, 19 VAC 30-70-130 through 19 VAC 30-70-170, 19 VAC 30-70-190 through 19 VAC 30-70-230, 19 VAC 30-70-250 through 19 VAC 30-70-300, 19 VAC 30-70-340, 19 VAC 30-70-350, 19 VAC 30-70-360, 19 VAC 30-70-400, 19 VAC 30-70-430 through 19 VAC 30-70-560, 19 VAC 30-70-580, 19 VAC 30-70-600 and 19 VAC 30-70-650; adding 19 VAC 30-70-9).**

Statutory Authority: § 46.2-1165 of the Code of Virginia.

Effective Date: September 22, 2004.

Agency Contact: Robert L. Evans, Sergeant, 491 Southlake Boulevard, Richmond, VA 23236-3044, telephone (804) 378-3478, FAX (804) 378-3487 or e-mail revans@vsp.state.va.us.

Summary:

The Official Annual Motor Vehicle Inspection Manual, 19 VAC 30-70, is being revised to reflect legislation passed at the 2004 Session of the General Assembly that affects the inspection process. Also, amendments include revised administrative procedures involving inspection stations.

VA.R. Doc. No. R05-31; Filed September 22, 2004, 1:49 p.m.

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TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

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

Title of Regulation: 22 VAC 40-705. Child Protective Services (amending 22 VAC 40-705-30).

Statutory Authority: §§ 63.2-217 and 63.2-1503 of the Code of Virginia.

Effective Date: December 1, 2004.

Agency Contact: Betty Jo Zarris, CPS Policy Specialist, Department of Social Services, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-7569, FAX (804) 726-7895 or e-mail betty.zarris@dss.virginia.gov.

Summary:

The amendment adds a clause to the definition of physical abuse to state that the definition includes a caretaker allowing a child to be present during the sale or manufacture of illegal substances.

22 VAC 40-705-30. Types of abuse and neglect.

A. Physical abuse occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical injury by other than accidental means or creates a substantial risk of death, disfigurement, or impairment of bodily functions, *including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248 of the Code of Virginia.*

B. Physical neglect occurs when there is the failure to provide food, clothing, shelter, or supervision for a child to the extent that the child's health or safety is endangered. This also includes abandonment and situations where the parent's or caretaker's own incapacitating behavior or absence prevents or severely limits the performing of child caring tasks pursuant to § 63.2-100 of the Code of Virginia. In situations where the neglect is the result of family poverty and there are no outside resources available to the family, the parent or caretaker shall not be determined to have neglected the child; however, the local department may provide appropriate services to the family.

1. Physical neglect may include multiple occurrences or a one-time critical or severe event that results in a threat to health or safety.

2. Physical neglect may include failure to thrive.

a. Failure to thrive occurs as a syndrome of infancy and early childhood which is characterized by growth failure, signs of severe malnutrition, and variable degrees of developmental retardation.

b. Failure to thrive can only be diagnosed by a physician and is caused by nonorganic factors.

C. Medical neglect occurs when there is the failure by the caretaker to obtain or follow through with a complete regimen of medical, mental or dental care for a condition which if untreated could result in illness or developmental delays pursuant to § 63.2-100 of the Code of Virginia. Medical neglect also includes withholding of medically indicated treatment.

1. A child who, in good faith, is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination pursuant to § 63.2-100 of the Code of Virginia shall not for that reason alone be considered a neglected child.

2. For the purposes of this regulation, "withholding of medically indicated treatment" does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when in the treating physician's or physicians' reasonable medical judgment:

- a. The infant is chronically and irreversibly comatose;
- b. The infant has a terminal condition and the provision of such treatment would:
 - (1) Merely prolong dying;
 - (2) Not be effective in ameliorating or correcting all of the infant's life-threatening conditions;
 - (3) Otherwise be futile in terms of the survival of the infant; or
 - (4) Be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

D. Mental abuse or neglect occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a mental injury by other than accidental means or creates a substantial risk of impairment of mental functions.

Mental abuse or neglect may include failure to thrive.

1. Failure to thrive occurs as a syndrome of infancy and early childhood which is characterized by growth failure, signs of severe malnutrition, and variable degrees of developmental retardation.

2. Failure to thrive can only be diagnosed by a physician and is caused by nonorganic factors.

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E. Sexual abuse occurs when there is any act of sexual exploitation or any sexual act upon a child in violation of the law which is committed or allowed to be committed by the child's parents or other persons responsible for the care of the child pursuant to § 63.2-100 of the Code of Virginia.

VA.R. Doc. No. R05-44; Filed October 13, 2004, 9:23 a.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 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-470. Nurses, Physicians, and Therapist Standards (repealing 8 VAC 20-470-10).

Statutory Authority: § 22.1-16 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 18, 2005.

(See Calendar of Events section for additional information)

Effective Date: March 1, 2005.

Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or e-mail mroberts@mail.vak12ed.edu.

Basis: Section 22.1-16 of the Code of Virginia vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1 of the Code of Virginia.

Purpose: This regulation is repealed because the requirements are unnecessary. Section 22.1-274 of the Code of Virginia states that local school boards may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists under the same provisions as provided by the board regulation. Since the Code of Virginia already permits school divisions to employ these personnel and board regulations are not required, this regulation is unnecessary.

Rationale for Using Fast-Track Process: The fast track process is applicable because the repeal of this regulation is noncontroversial.

Substance: There are no substantive changes. The regulation is being repealed.

Issues: The advantage to the Board of Education is the elimination of a regulation that is no longer necessary. The advantage to the public is the elimination of an unnecessary regulation. There are no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and

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

Summary of the proposed regulation. The Board of Education (board) proposes to repeal these regulations.

Estimated economic impact. These regulations in their entirety are as follows: "School boards may employ school nurses, physicians, physical therapists, occupational therapists, and speech therapists and pay such personnel from public funds, provided each such person shall hold appropriate recognition within the Commonwealth of Virginia by the board or agency having jurisdiction over the respective occupations." The Code of Virginia already makes this clear. Since these regulations neither clarify nor add to language in the Code, the board's proposal to repeal the regulations will have no impact.

Businesses and entities affected. The proposed repeal of these regulations will not affect any business or other entity.

Localities particularly affected. The proposed repeal of these regulations will not affect any locality.

Projected impact on employment. The proposed repeal of these regulations will not affect employment.

Effects on the use and value of private property. The proposed repeal of these regulations will not affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency agrees with the Economic Impact Analysis done by DPB on August 13, 2004. The agency will continue to examine the economic and administrative impact of the regulations as they progress through the Administrative Process Act process.

Summary:

This regulation permits local school divisions to employ nurses, physicians, physical therapists, occupational therapists, and speech therapists, and to pay them from public funds. Section 22.1-274 of the Code of Virginia permits school divisions to employ these personnel, therefore, this regulation is not necessary and is being repealed.

VA.R. Doc. No. R05-49; Filed October 13, 2004, 11:54 a.m.

FORMS

STATE CORPORATION COMMISSION

Clerk's Office

Expedited Service Request

Business Entity Filing

The following Form SCC21.2 is used for an Expedited Service Request in the Clerk's Office at the State Corporation Commission.

Contact: Joel Peck, Clerk, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218-1197, telephone (804) 371-9733, Toll-free (866) 722-2551.



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
CLERK'S OFFICE
PO BOX 1197
RICHMOND, VA 23218-1197
(804) 371-9733
1-866-722-2551 Toll-free in Virginia

Expedited Service Request

Business Entity Filing

Read Information & Instructions pages before completing this form

This form MUST be completed and placed on top of EACH document that is submitted for expedited review and processing.

Entity Name: _____		Entity's SCC ID No. (if known): _____
Correspondent Name <u>and</u> Address: Contact Person: _____ Phone Number: () _____ - _____ ext _____ Fax Number: () _____ - _____ E-mail: _____	Return Evidence of Filing: (mark all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> First-Class Mail <input type="checkbox"/> Hold for Pickup <input type="checkbox"/> Call for Pickup <input type="checkbox"/> Fax (Additional charge. See Category D, below.) <input type="checkbox"/> Overnight via _____ (Account number & completed airbill required.)	
Expedited Service(s) Requested: (mark all that apply) *** See Information & Instructions for description of categories. ***	Expedite Fee(s):	FOR OFFICE USE ONLY
<input type="checkbox"/> Category A Business Entity Documents listed in Schedule A <ul style="list-style-type: none"> <input type="checkbox"/> Same Day Service (In by Noon) \$ 200 <input type="checkbox"/> Next Day Service (In by 4:00 p.m.) \$ 100 <input type="checkbox"/> Category B Preliminary Review of a Category A Document – (Next Day Service Only – In by 4:00 p.m.) <ul style="list-style-type: none"> <input type="checkbox"/> Initial Submission \$ 50 <input type="checkbox"/> Resubmission w/in 30 days of Initial Submission _____ N/C (DCN number of initial submission) <input type="checkbox"/> Category C Business Entity Documents listed in Schedule C (Next Day Service Only – In by 4:00 p.m.) \$ 50	<input type="checkbox"/> Category D Fax Evidence of Expedited Filing \$ 25	I/O <input type="checkbox"/>

Read Information & Instructions pages before completing this form

**Form SCC21.2 - Expedited Service Request
Information & Instructions**

General Considerations

The Clerk's Office of the State Corporation Commission will use its best efforts to timely review and process business entity documents that are submitted for expedited service in accordance with these instructions and procedures.

Expedited service requests will be processed, to the extent possible, in the order in which they are received. No submission will be changed to an expedited service request after it is delivered to the Clerk's Office.

The following are not subject to expedited service: providing copies of filed documents and certificates of fact, including certificates of good standing; UCC filings; tax lien filings; registered agent resignations; annual report filings; annual continuation report filings; registration fee payments; and service of process. The practice of the Clerk's Office with respect to these matters is unchanged.

Categories of Expedited Service

Category A – Business Entity Documents listed in Schedule A

Entails the review and processing of any document listed in Schedule A.

Same Day Service – \$200

Next Day Service – \$100

Category B – Preliminary Review of a Category A Document (Next Day Service only)

Entails the review of a draft of any document listed in Schedule A to determine if it contains a deficiency that would make the document unacceptable if submitted for filing. Subsequent modified drafts of the document resubmitted for preliminary review will be examined at no additional charge if submitted with Form SCC21.2 within 30 days of the initial submission. The resubmission should include the original submission's document control number (DCN), if known. (The DCN is printed on the expedite fee receipt for the initial submission.)

(Note: Preliminary review is not the equivalent of pre-filing clearance. Overlooked deficiencies will not be waived if noticed when a document is presented for filing.)

Initial Submission – \$50

Resubmissions within 30 days of Initial Submission – No Charge

Category C – Business Entity Documents listed in Schedule C

Entails the review and processing of any document listed in Schedule C.

Next Day Service – \$50

Category D – Fax Evidence of Expedited Filing

Entails the facsimile transmission of evidence (e.g., certificate and receipt) upon completion of the filing. (The original evidence will be sent to the correspondent by First-Class Mail unless another method of delivery is indicated on Form SCC 21.2.)

Fee – \$25

Forms

Expedited Service Schedule

Same Day Service – Documents received in the Clerk's Office by 12:00 noon will be processed by 4:00 p.m. on the day of receipt.

Next Day Service – Documents received in the Clerk's Office by 4:00 p.m. will be processed by 4:00 p.m. on the next business day after receipt.

A document accompanied by a request for expedited service is considered "received" when it is received and identified as an "expedite" by the Clerk's Office staff that processes such expedited documents.

The above schedules for the anticipated completion of expedited services are based on full business days (8:15 a.m. – 5:00 p.m.). When the Commission is closed for all or part of a day due to a holiday or emergency (e.g., inclement weather), the schedules will be extended for a like period of time.

The Clerk's Office strives to provide expedited services as promptly as possible. A request for next day service will not preclude same day service when that can be reasonably accomplished.

Request Requirements

An Expedited Service Request form (Form SCC21.2) must be completed and placed on top of each business entity document submitted for expedited service (so the submission can be readily identified as a request for expedited service).

A cover letter, if submitted, should be inserted immediately behind the Expedited Service Request form. (Note: This form is not a substitute for information normally provided in a cover letter.)

Payment for all required fees (including expedite fees) must accompany the expedited service request.

Hand Deliveries

To ensure that a hand-delivered document is promptly identified as an "expedite" at the time of delivery, it must be presented to the front desk of the Clerk's Office either (1) removed from its envelope (or with no envelope), with an Expedited Service Request form (SCC21.2) on top, or (2) in an envelope that prominently displays the words "FORM SCC21.2 ENCLOSED."

(Note: "Hand deliveries" do not include documents delivered to the Commission by overnight delivery companies.)

Overnight Deliveries

Overnight delivery companies are required to make deliveries to the Commission's mailroom. They do not make their deliveries to the front desk of the Clerk's Office. Accordingly, there is usually a one hour delay between the time that an overnight delivery is received by the Commission's mailroom and the time that it is received and identified as an expedite by the staff of the Clerk's Office.

Multiple Submissions

Each document submitted for expedited service must have its own Expedited Service Request form (on top) and will be charged a separate expedited service fee. (Example 1: Articles of dissolution and articles of termination are submitted for a corporation. To expedite the filing of both of these documents, an expedited service fee of \$50.00 will be charged for each document. Example 2: An application for reinstatement and articles of amendment are submitted for a corporation. To expedite the filing of both of these documents, expedited service fees of \$50.00 and \$100.00, respectively, will be charged.)

If two or more documents that relate to the same entity or transaction are submitted on the same day for expedited service, they should be submitted together. This will facilitate our contemporaneous processing of the documents. If the submissions include documents from Category A and Category C, the Category A submission needs to be placed on top, even if the correspondent's cover letter instructs us to file the Category C document first. If a single cover letter has been prepared for multiple submissions (which is preferred), the original or a copy of the cover letter needs to be placed behind the Expedited Service Request form for each submission.

Effective Dates

Virginia Business Entities – Documents submitted for filing by a Virginia business entity are effective when filed with the Commission or upon the issuance of a certificate by the Commission, unless a later effective date is allowed by law and is specified in the document. See §§ 13.1-606, 13.1-806, 13.1-1004, 13.1-1203, 50-73.11, 50-73.13, 50-73.48:3 and 50-73.83 of the Code of Virginia. (Note: A document can have a delayed effective date if a delayed effective date is permitted by statute and the effective date is set forth in the document. It is not sufficient to request a delayed effective date in the cover letter that accompanies the document.)

Foreign (Non-Virginia) Business Entities – Documents submitted for filing by a foreign business entity are effective when filed with the Commission or upon the issuance of a certificate by the Commission. See §§ 13.1-606, 13.1-806, 13.1-1004, 13.1-1203, 50-73.55, 50-73.57 and 50-73.57:2 of the Code of Virginia. (Note: There is no provision in the Code of Virginia for a delayed effective date with respect to a foreign business entity document. Also, a foreign business entity document may not be filed with the Commission unless it is effective in the foreign business entity's home jurisdiction.)

To obtain the earliest possible effective date in accordance with the schedule for expedited services, the document **MUST** (1) be presented with an Expedited Service Request form, (2) be accompanied by payment for all required fees and (3) **be acceptable for filing as presented to the Commission**. Otherwise, the document will become effective when all deficiencies are remedied and it is reviewed, processed and filed.

Deficiencies, Corrections and Rejections

If a document submitted for expedited service contains a deficiency, the correspondent's contact person will be notified of all identified deficiencies within the timeframe for the requested service in the following order of priority: verbally (by telephone; messages will be left on voice mail), by e-mail, or in writing by fax.

The correspondent will have until 3:00 p.m. of the second business day following the date of notice to correct all deficiencies and make the document acceptable for filing. If the correspondent presents a revised submission to correct the deficiencies before the deadline, the document will be processed from the time the revised submission is received as if the revised submission was an original submission. In other words, the process will start anew. The document, with its revised submission, will be reviewed within the same timeframe as originally requested, and if it still contains deficiencies, another revised submission may be presented by 3:00 p.m. of the second day after notice of the additional deficiencies. An unlimited number of revised submissions may be tendered to correct the deficiencies in an expedited document, provided that they are received before the deadline established by each deficiency notice. No additional expedited service fee will be required for any revised submission that is received before the deadline established by a deficiency notice.

If a revised submission is not received within the allotted time to correct identified deficiencies, the document will be rejected and returned to the correspondent, and the expedited service fee shall be deemed fully utilized. Any resubmission of the document thereafter will require a new expedited service fee (and request form) if the resubmitted document is to be processed as an expedite.

Information Orders

A request for a certified or an uncertified copy of an expedited document after it is filed, a certificate of fact for the filing entity and other such requests related to the expedited filing will be processed by the Clerk's Office in accordance with previously established procedures. These requests are not subject to expedited processing and there may be a delay between the filing of an expedited document and the fulfillment of a related information order request.

The evidence of an expedited document's filing (receipt, order, certificate, etc.) and documents generated pursuant to a related information order request will be forwarded to the customer separately. Therefore, a customer must provide two completed airbills with the expedited submission if the customer wants both the evidence of an expedited filing and documents generated incident to a related information order request returned by overnight carrier.

Send the completed Expedited Service Request form, along with payment for all required fees made payable to the State Corporation Commission, to the Clerk of the State Corporation Commission, FORM SCC21.2 ENCLOSED, P. O. Box 1197, Richmond, VA 23218-1197, (Street address: 1300 East Main Street, Tyler Building, 1st floor, Richmond, VA 23219). The envelope must be clearly marked FORM SCC21.2 ENCLOSED. If you have any questions, please call (804) 371-9733 or toll-free in Virginia, 1-866-722-2551. To obtain the current version of this form, visit our web site at www.state.va.us/scc/division/clk/index.htm.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Virginia Local Telephone Companies Telecommunications [""] Bill of Rights [**]

The following Telecommunications "Bill of Rights" is referenced in State Corporation Commission order PUC-2003-00110, which is published in the Proposed Section of this issue of the Virginia Register. This order revises proposed rules for Service Quality Standards for the Provision of Local Exchange Telecommunication Services. The proposed "Bill of Rights" document is not a regulation but instead a notice to consumers of their rights as provided by law and regulation.

You have a right to:

- Affordable and quality local telecommunications services
- Seamless levels of service when migrating between local telecommunications service providers
- Select and keep the telecommunications service provider of your choice
- Keep your telephone number when changing local telecommunications service providers
- Maintain local telephone service when there is a valid billing dispute [under investigation] or when payments are current for basic local telecommunications services
- Identity protection to preclude the unauthorized use of records and personal information
- Safety and security of persons and property not to be intentionally jeopardized by telecommunications service providers
- Honest and accurate sales and service information
- Timely, accurate, and understandable billing
- Participate in the formation of Virginia telecommunications policies
- Dispute resolution up to and including a full hearing before the Virginia State Corporation Commission

[*This "Bill of Rights" is a summary overview of your rights under various state and federal laws and regulations and does not independently create or vest enforceable substantive rights. Enforcement of your rights will depend upon the application of specific legal authorities to the circumstances of your particular dispute with the telephone company. If you believe that your legal rights have been violated and you cannot adequately resolve your dispute with your phone company, you may contact the SCC at 1-800-552-7945 or, if in the Richmond local calling area, 804-371-9420.]

Agency Contact: Steven C. Bradley, Deputy Director, State Corporation Commission, Division of Communications, P.O. Box 1197, Richmond, VA 23218-1197, telephone (804) 371-9420, FAX (804) 371-9069, or e-mail sbradley@scc.state.va.us.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Loads (TMDL) for Carter Run and Great Run Watersheds

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDL) to address bacteria impairments in the Carter Run and Great Run watersheds. The subject stream segments are identified in the 2004 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report as impaired due to exceedances of the state's water quality criteria 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) list.

The Carter Run stream segment is located in Fauquier County. It is 3.55 miles in length and begins at the confluence of South Run to Carter Run, approximately 1.0 rivermile upstream of Cliff Mills Road, and continues downstream to its confluence with the Rappahannock River just west of Jeffersonton Road.

The Great Run stream segment is located in Fauquier County. It is 15.69 miles in length and begins at the headwaters of Great Run and continues downstream to its confluence with the Rappahannock River just south of Foxville Road.

The final public meeting to address the bacteria impairments on both stream segments will be held on Tuesday, November 16, 2004, at 7 p.m. at the Warrenton Community Center, 430 East Shirley Ave., Warrenton, Virginia.

The public comment period on this final phase of TMDL development will begin on November 16, 2004, and end on December 16, 2004. A fact sheet on the development of the TMDLs for the bacteria impairments in the Great Run and Carter Run watersheds is available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail bhthomas@deq.virginia.gov.

Total Maximum Daily Load (TMDL) Report for Guest River

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the draft Implementation Plan for the Guest River Total Maximum Daily Load (TMDL) Reports for aquatic life (benthic) and recreational use (bacteria). The Guest River impaired segments are in the Clinch River sub-basin, Tennessee River Basin and located in Wise, Dickenson and Russell counties.

A public meeting for the purpose of reviewing the draft implementation plan for water quality improvements in the

General Notices/Errata

Guest River watershed will be held on November 4, 2004, at 6 p.m. at the Tacoma Community Center. Tacoma Community Center is located in Wise County in the community of Tacoma on Stone Mountain Road approximately 0.2 miles south off of Alt. Route 58 between Coeburn and Norton, Virginia.

The impaired aquatic life use segment extends from Guest River headwaters to Bad Branch, from south of Indian Mountain through Norton and Coeburn. It is 27.65 miles in length. Guest River was identified in Virginia's 1998 303(d) TMDL Priority List and Report due to violations of the General Standard for benthic impairment. The bacteria impairments are on Sepulcher Creek, Crab Orchard Branch and Toms and Little Toms creeks. The TMDL reports for the bacteria and benthic impairments were approved by U.S. EPA in 2002 and 2003.

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 1997 Virginia Water Quality Monitoring, Implementation and Restoration Act requires an Implementation Plan for all approved TMDL Reports. The Implementation Plan provides a framework for corrective actions needed to meet the Total Maximum Daily Load reductions so that impaired streams can meet water quality standards.

The public comment period will end on December 4, 2004. A copy of the draft Implementation Plan for Guest River watershed is available on the Virginia Department of Environmental Quality website at <http://www.deq.state.va.us/tmdl/tmdlrpts.html>. Or you may request a copy by contacting Nancy T. Norton, P. E., at Department of Environmental Quality, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899, or e-mail ntnorton@deq.virginia.gov. Written comments should include the name, address, and telephone number of the person submitting the comments and be addressed to Nancy T. Norton, P. E., Department of Environmental Quality, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899, or email ntnorton@deq.virginia.gov.

Total Maximum Daily Load (TMDL) Report for Hunting Camp Creek in Bland County

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the draft Total Maximum Daily Load (TMDL) report for Hunting Camp Creek in Bland County. 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 standard for Aquatic Life Use due to benthic impairment. In 2002 the 303(d) List was amended to include impairment of the recreational use due to bacteria violations. The draft TMDL report addresses both impairments.

There will be a public meeting for this TMDL draft report for Hunting Camp Creek on Monday, November 8, 2004, 7 p.m.

at the Bland County Board of Education offices in Bastian, Virginia. The Bland County Board of Education Office is located on Route 615 in Bastian, Virginia. 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.

Hunting Camp Creek is located in Bland County and flows through Bastian. The 8.5 mile segment begins at the impoundment above the community of Suiter and continues to the mouth at Wolf Creek. The stream parallels Route 615 and Route 52.

The public comment period will end on December 8, 2004. A copy of the draft TMDL study 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.

Consent Special Order

Town of Crewe

The Department of Environmental Quality, on behalf of the State Water Control Board, and the Town of Crewe have agreed to a consent special order in settlement of a civil enforcement action under the Virginia State Water Control Law regarding the wastewater treatment plant and wastewater conveyance system owned by the town. The department will consider written comments relating to this order for 30 days. Comments must include name, address, and telephone number and can be e-mailed to hfwaggoner@deq.state.va.us or mailed to Harry F. Waggoner, Department of Environmental Quality, South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502.

The order is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may request copies from Mr. Waggoner at (434) 582-5120 x 6037.

VIRGINIA DEPARTMENT OF HEALTH

Notice Inviting Public Comment on the State WIC Plan

The Virginia Department of Health invites the public to comment on the development of a plan to administer the Special Supplemental Nutrition Program for Women, Infants and Children (the WIC program) in Virginia.

Pursuant to 7 CFR 246.4, the responsible agency in each state that administers a WIC program must submit annually to the United States Department of Agriculture (USDA) a State Agency Plan for each fiscal year as a prerequisite to receiving

federal funds. The Virginia Department of Health administers the Virginia WIC Program.

The development of the Virginia State Agency Plan is underway and the public is invited to comment on its development and to view the plan during regular workdays from 8:30 a.m. until 4:30 p.m. in the offices of the Virginia Department of Health, Division of WIC and Community Nutrition Services, 109 Governor Street, 9th Floor, Richmond, Virginia 23219.

Questions regarding development and implementation of the plan may be directed to Aaron D. Baack, Operations Manager, Virginia Department of Health, Division of WIC and Community Nutrition Services, 109 Governor Street, 9th Floor, Richmond, VA 23219, Aaron.Baack@vdh.virginia.gov or (804) 864-7800.

STATE WATER CONTROL BOARD

Proposed Consent Special Order

Anderson Oil Company

The State Water Control Board proposes to enter into a consent special order with Anderson Oil Company (Anderson). The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at an underground storage tank (UST) facility.

Anderson owns a UST facility located at 315 Main Street in Scottsville, Virginia, and stores petroleum in these USTs under the requirements of the state underground storage tank regulation. Based on an inspection of the facility and review of submitted documentation, DEQ found Anderson to be in violation of the regulation. The proposed order will require Anderson to perform testing on the USTs, submit release detection records for the USTs perform remedial action for petroleum contamination found at the facility and will assess a civil charge in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to dcrbinett@deq.virginia.gov. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order

Anderson Oil Company

The State Water Control Board proposes to enter into a consent special order with Anderson Oil Company (Anderson). The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at an underground storage tank (UST) facility.

Anderson operates a UST facility located at 201 Emmet Street in Charlottesville, Virginia, and stores petroleum in these USTs under the requirements of the state underground storage tank regulation. Based on an inspection of the facility and review of submitted documentation, DEQ found Anderson to be in violation of the regulation. The proposed order will require Anderson to submit release detection records for the USTs and will assess a civil charge in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to dcrbinett@deq.virginia.gov. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order

City of Bedford

The State Water Control Board ("SWCB") proposes to issue a consent special order (CSO) to the City of Bedford regarding settlement of a civil enforcement action related to compliance at the City of Bedford Sewage Treatment Plant with the Permit Regulation, 9 VAC 25-31. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, N.W., Roanoke, VA 24019.

The final CSO is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may also request copies from Mr. Steele at the address above or at (540) 562-6777.

General Notices/Errata

Proposed Consent Special Order

Mr. Orlandus Branch

The State Water Control Board proposes to issue a consent special order to Mr. Orlandus Branch to resolve certain alleged violations of environmental laws and regulations that occurred at his property located off Route 640 in Dinwiddie County, Virginia. The proposed order requires that Mr. Branch restore impacted wetlands and pay a civil charge to address noncompliance at his property in Dinwiddie County.

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

Proposed Consent Special Order

DuVal Development, Inc.

The State Water Control Board proposes to issue a consent special order to the DuVal Development, Inc. to resolve certain alleged violations of environmental laws and regulations occurring at the Oak Lake Business Center in Chesterfield County, Virginia. The proposed order requires DuVal to execute corrective action and pay a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6295; or sent to the email address of felupini@deq.virginia.gov. All comments received by email must include name, address and phone number of the person making the comments. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order

Eagle Petroleum Company, LLC

The State Water Control Board (SWCB) proposes to issue a consent special order (CSO) to Eagle Petroleum Company, LLC, regarding settlement of a civil enforcement action related to compliance with the State Water Control Law and the Underground Storage Tank Regulations, 9 VAC 25-580. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, Department of Environmental Quality, West

Central Regional Office, 3019 Peters Creek Road, N.W., Roanoke, VA 24019.

The final CSO is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. Copies can be requested from Mr. Steele at the address above or at (540) 562-6777.

Proposed Consent Special Order

The Grove, L.P.

The State Water Control Board proposes to issue a consent special order to The Grove, L.P., to resolve certain alleged violations of environmental laws and regulations that occurred at The Grove Subdivision located off Coalfield Road, south of its intersection with Route 60 in Chesterfield County, Virginia. The Grove has addressed all the alleged violations and the proposed order requires that The Grove, L.P., pay a civil charge to address noncompliance that had occurred at The Grove Subdivision located in Chesterfield County.

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

Proposed Consent Special Order

Hercules Incorporated

The State Water Control Board proposes to issue a consent special order to Hercules Incorporated to resolve certain alleged violations of environmental laws and regulations occurring at the Aqualon Division property located in Hopewell, Virginia. Hercules had a discharge that drained to the City of Hopewell's regional wastewater treatment facility (HRWTF) causing a fish kill in Gravelly Run on February 20, 2004. The proposed order requires Hercules to pay a civil charge and reimburse the state for fish replacement and response costs. Hercules has entered into a consent order agreement with HRWTF that requires the development of a control plan to address future discharges.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295; or sent to the email address of felupini@deq.virginia.gov. All comments received by email must include name, address and phone number of the person

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

Proposed Consent Special Order

Louie Cash Custom Builder, LLC

The State Water Control Board proposes to enter into a consent special order with Louie Cash Custom Builder, LLC (LCCB). The parties have agreed to the terms of a consent special order for settlement of alleged violations of State Water Control Law at a construction site owned by LCCB. The order requires LCCB to compensate for the alleged violations through the purchase of wetland credits from the Shenandoah Wetlands Bank, LLC. The order also provides for the assessment of a civil charge in settlement of the alleged violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@deq.virginia.gov. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order

Palmer Lee McCauley

The State Water Control Board proposes to enter into a consent special order with Palmer Lee McCauley. The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at an underground storage tank (UST) facility.

Mr. McCauley owns a UST facility located at 2042 Garth Road in Charlottesville, Albemarle County, Virginia, and stores petroleum in these USTs under the requirements of the state underground storage tank regulation. Based on an inspection of the facility and review of submitted documentation, DEQ found Mr. McCauley to be in violation of the regulation. The proposed order will require Mr. McCauley to submit release detection records and proof of financial responsibility for the USTs, and will assess a civil charge in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early

Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to dcrobinett@deq.virginia.gov. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order

Miles & Wells Partnership

The State Water Control Board proposes to issue a consent special order to Miles & Wells Partnership to resolve certain alleged violations of environmental laws and regulations that occurred at the Wellington Farms Subdivision located west of Route 145 in Chesterfield County, Virginia. The proposed order requires that Miles & Wells Partnership provide proof of purchase of the appropriate acres of mitigation credits from an approved wetland mitigation bank and pay a civil charge to address noncompliance at the Wellington Farms Subdivision in Chesterfield County.

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

Proposed Consent Special Order

National Starch and Chemical Company

The State Water Control Board proposes to issue a consent special order to National Starch and Chemical Company to resolve certain alleged violations of environmental laws and regulations that occurred at National Starch and Chemical Company facility located at 4414 Sarellen Road in Henrico County, Virginia. National Starch and Chemical Company has addressed all the alleged violations and the proposed order requires that National Starch and Chemical Company pay a civil charge to address the aforementioned noncompliance.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Kimberly L. Johnson, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060; or sent to the email address of kljohnson@deq.virginia.gov. All comments received by email must include name, address and phone number of the person making the comments. A copy of the order may be obtained in person or by mail from the above office.

General Notices/Errata

Proposed Consent Special Order

Patrick County

The State Water Control Board (SWCB) proposes to issue a consent special order (CSO) to Patrick County regarding settlement of a civil enforcement action related to compliance with the Virginia Water Protection Permit Regulation, 9 VAC 25-210. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, N.W., Roanoke, VA 24019.

The final CSO is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. Copies can be requested from Mr. Steele at the address above or at (540) 562-6777.

Proposed Consent Special Order

Ruxton Health Care X, LLC and Fork Union Medical Investors, L.P.

The State Water Control Board proposes to enter into a consent special order with Ruxton Health Care X, LLC, and Fork Union Medical Investors, L.P. The parties have agreed to the terms of a consent special order for settlement of alleged violations of State Water Control Law at the Ruxton Health at the Village sewage treatment facility. The proposed order includes a set of corrective actions and would assess a civil charge for settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Special Order

Town of Abingdon - Wolf Creek Water Reclamation Facility

The State Water Control Board proposes to take an enforcement action against the above listed facility. Under the terms of the proposed special order, the owner of this facility has agreed to be bound by the terms and conditions of a schedule of compliance contained in the appendix of the

order. The requirements contained in the order bring the facility into compliance with state law and protects water quality.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive comments relating to the special order for 30 days after the date of publication of this notice. Comments should be addressed to Dallas Sizemore, Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, VA 24212 and should refer to the consent special order. Comments can also be sent by e-mail to drsizemore@deq.state.va.us. Anyone wishing to comment must include their name, address and phone number and all comments must be received before the end of the comment period.

The proposed order may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, Virginia. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order

Town of Berryville

The State Water Control Board proposes to enter into a consent special order with the Town of Berryville to resolve violations of the State Water Control Law and regulations at the Berryville sewage treatment plant (STP) in Clarke County, Virginia. The facility discharges to the Shenandoah River in the Shenandoah River subbasin and the Potomac River basin.

The STP is exceeding its design capacity and experiencing effluent limitation violations due to an Inflow and Infiltration (I&I) problem in its collection system. In addition, the STP has experienced unpermitted discharges to State waters.

The proposed consent special order settles outstanding Notices of Violation and incorporates a schedule of compliance to upgrade the STP to meet permit effluent limitations and address the I&I problem. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, Post Office Box 3000, Harrisonburg, VA 22801, and should refer to the consent special order. Comments may also be submitted via electronic mail to swhetrick@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address, and telephone number of the person making the comment.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order

The Town of Kilmarnock

The State Water Control Board proposes to issue a consent special order to The Town of Kilmarnock to resolve certain alleged violations of environmental laws and regulations that occurred at the town's wastewater treatment plant located in Kilmarnock, Virginia. The proposed order requires that the town submit and implement upon approval, a plan and schedule to comply with the effluent limits for TKN (Total Kjeldahl Nitrogen), zinc, and copper, and pay a civil charge to address the noncompliance.

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

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

**Forms for Filing Material for Publication in the
*Virginia Register of Regulations***

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://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

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† **November 10, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 378, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss open 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 least 10 days prior to the meeting so that suitable arrangements can be made.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.virginia.gov.

† **December 3, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 395, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss general business matters. 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 least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the American with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

COMMONWEALTH COUNCIL ON AGING

† **December 2, 2004 - 9 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A business meeting of the Ad Hoc Committee to review the council's annual report. Public comments are welcome.

Contact: Robin Brannon, Communications Director, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9323.

† **December 2, 2004 - 9 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Executive Committee. Public comments are welcome.

Contact: Marsha Mucha, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

† **December 2, 2004 - 10 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments are welcome.

Contact: Marsha Mucha, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

November 3, 2004 - 9:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

The Consumer Affairs Advisory Committee communicates the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services' consumer education and fraud prevention programs and their availability to citizens. Members will review the consumer education outreach efforts for the past six months, accept nominations for citizens terms, elect a chairperson, and assist with planning for 2005. Public comment is accepted 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 Evelyn A. Jez at least five days before the meeting date so that suitable arrangements can be made.

Contact: Evelyn A. Jez, Ph.D., Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY ☎, e-mail ejez@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD

† **November 1, 2004 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting of an ad hoc advisory group to assist the Department of Environmental Quality in the development of proposed amendments to provisions of the Regulations for the Control and Abatement of Air Pollution (9 VAC 5 Chapter 80) concerning major new source review reform (Regulation Revision E03).

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

November 3, 2004 - 11 a.m. -- Open Meeting
Virginia Beach area; location to be announced.

The annual meeting of the State Air Pollution Control Board and State Advisory Board on Air Pollution.

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 cmberndt@deq.virginia.gov.

November 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting to receive public comment on the notice of intended regulatory action to amend the regulation for the control and abatement of air pollution concerning open burning. The notice of intended regulatory action appears in the Virginia Register of Regulations on October 4, 2004, and the comment period closes on November 10, 2004.

Contact: Mary E. Major, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, e-mail memajor@deq.virginia.gov.

November 17, 2004 - 1 p.m. -- Open Meeting
November 18, 2004 - 9 a.m. -- Open Meeting
Williamsburg, Virginia area; location to be determined. ♿

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.

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 cmberndt@deq.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

November 8, 2004 - 9 a.m. -- Open Meeting
November 22, 2004 - 9 a.m. -- Open Meeting
December 6, 2004 - 9 a.m. -- Open Meeting
December 20, 2004 - 9 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A meeting to receive and discuss reports and activities from staff members and to discuss other matters not yet determined.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 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

December 7, 2004 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail janet.honeycutt@vda.virginia.gov.

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

November 4, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Certified Interior Designers Section to conduct board business. 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

Calendar of Events

interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, 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.virginia.gov.

November 9, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Land Surveyors Section to conduct board business. 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 interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, 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.virginia.gov.

November 10, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Landscape Architects Section to conduct board business. 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 interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, 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.virginia.gov.

December 9, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the board to conduct board business. 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 interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The

department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, 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.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

November 5, 2004 - 10 a.m. -- Open Meeting
December 3, 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. Art and Architectural Review Board submittal forms and submittal instructions can be downloaded by visiting the DGS forms at www.dgs.state.va.us. Request Submittal Form #DGS-30-905 or DGS Submittal Instructions Form #DGS-30-906.

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

November 3, 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 alhi@dpor.virginia.gov.


AUCTIONEERS BOARD

November 2, 2004 - 1 p.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: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail Auctioneers@dpor.virginia.gov.


BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **November 4, 2004 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)


A quarterly business meeting.


Contact: Elizabeth Young, Executive Director, Board of
Audiology and Speech-Language Pathology, Alcoa Building,
6603 West Broad St., 5th Floor, Richmond, VA 23230-1712,
telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-
7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

BOARD FOR BRANCH PILOTS


November 1, 2004 - 8:30 a.m. -- Open Meeting
Radisson Hotel Hampton, 700 Settlers Landing Road,
Hampton, Virginia. 

A meeting to conduct examinations.

Contact: Mark N. Courtney, Executive Director, Board for
Branch Pilots, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-
9753/TTY , e-mail branchpilots@dpor.virginia.gov.

November 1, 2004 - 10 a.m. -- Open Meeting
Radisson Hotel Hampton, 700 Settlers Landing Road,
Hampton, Virginia. 

A meeting to conduct board business. 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 interpreter services should contact the
department at least 10 days prior to the meeting so that
suitable arrangements can be made. The department fully
complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for
Branch Pilots, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-
9753/TTY , e-mail branchpilots@dpor.virginia.gov.


CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **November 18, 2004 - 9 a.m.** -- Open Meeting
Westmoreland State Park, Montross, Virginia.


A board working retreat.


Contact: David C. Dowling, Policy and Planning Manager,
Department of Conservation and Recreation, 203 Governor
St., Suite 302 Richmond, VA 23219, telephone (804) 786-
2291, FAX (804) 786-6141, e-mail
david.dowling@dcr.virginia.gov.


STATE BOARD FOR COMMUNITY COLLEGES

November 16, 2004 - 11:45 a.m. -- Open Meeting
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. 
(Interpreter for the deaf provided upon request)


The 2004 annual meeting will be held on November 16 and
17. A registration fee is required. No official business of the
board will be conducted at this meeting.


Contact: D. Susan Hayden, Director of Public Affairs, Virginia
Community College System, 15th Floor, 101 N. 14th Street,
Richmond, VA 23219, telephone (804) 819-4961, FAX (804)
819-4768, (804) 371-8504/TTY 


November 17, 2004 - 1:30 p.m. -- Open Meeting
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. 
(Interpreter for the deaf provided upon request)

† **January 19, 2005 - 1:30 p.m.** -- Open Meeting
Virginia Community College System, James Monroe Building,
101 North 14th Street, Richmond, Virginia.  (Interpreter for
the deaf provided upon request)


Meetings of the Academic, Student Affairs and Workforce
Committee, the Audit Committee, and the Budget and
Finance Committee at 1:30 p.m. The Facilities Committee
and the Personnel Committee will meet at 3 p.m.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia
Community College System, 101 N. 14th St., Richmond, VA
23219, telephone (804) 819-4961, FAX (804) 819-4768, (804)
371-8504/TTY 


November 18, 2004 - 9 a.m. -- Open Meeting
The Black Box Theatre, Piedmont Virginia Community
College, 501 College Drive, Charlottesville,
Virginia.  (Interpreter for the deaf provided upon request)

† **January 20, 2005 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Godwin-
Hamel Board Room, Richmond, Virginia.  (Interpreter for the
deaf provided upon request)

A meeting of the full board. 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, Virginia
Community College System, 15th Floor, 101 N. 14th St.,
Richmond, VA 23219, telephone (804) 819-4961, FAX (804)
819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

November 17, 2004 - 11 a.m. -- Open Meeting
202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy 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.

Calendar of Events

BOARD OF CONSERVATION AND RECREATION

† **November 4, 2004 - 10 a.m.** -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park,
Burkeville, Virginia.

A regular business meeting.

Contact: David C. Dowling, Policy and Planning Manager,
Department of Conservation and Recreation, 203 Governor
St., Suite 302, Richmond, VA 23219, telephone (804) 786-
2291, FAX (804) 786-6141, e-mail
david.dowling@dcr.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

November 1, 2004 - 10 a.m. -- Open Meeting
Chippokes Plantation State Park, Chippokes Mansion,
Conference Room, Surry, Virginia.

A general business meeting of the Chippokes Plantation
Farm Foundation Trustees Board.

Contact: Katherine Wright, Executive Secretary, Department
of Conservation and Recreation, Monroe Bldg., 101 N. 14th
St., 11th Floor, Richmond, VA 23219, telephone (804) 786-
7950, FAX (804) 371-8500, e-mail
katherine.wright@dcr.virginia.gov.

† **November 10, 2004 - 1 p.m.** -- Open Meeting
Loudoun County Government Center, Lovettsville Room,
Leesburg, Virginia.

A regular meeting of the Goose Creek Scenic River
Advisory Board.

Contact: David C. Dowling, Policy and Planning Manager,
Department of Conservation and Recreation, 203 Governor
St., Suite 302, Richmond, VA 23219, telephone (804) 786-
2291, FAX (804) 786-6141, e-mail
david.dowling@dcr.virginia.gov.

Virginia Soil and Water Conservation Board

† **December 8, 2004 - 9:30 a.m.** -- Open Meeting
Hotel Roanoke, 110 Shenandoah Avenue, Roanoke, Virginia.

A regular business meeting in joint session with the Board
of Directors of the Virginia Association of Soil and Water
Conservation District Directors.

Contact: David C. Dowling, Policy and Planning Manager,
Department of Conservation and Recreation, 203 Governor
St., Suite 302, Richmond, VA 23219, telephone (804) 786-
2291, FAX (804) 786-6141, e-mail
david.dowling@dcr.virginia.gov.

BOARD FOR CONTRACTORS

December 14, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A regular 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.virginia.gov.

November 2, 2004 - 9 a.m. -- Open Meeting
† **November 4, 2004 - 9 a.m.** -- Open Meeting
November 10, 2004 - 9 a.m. -- Open Meeting
† **November 16, 2004 - 9 a.m.** -- Open Meeting
November 17, 2004 - 1:30 p.m. -- Open Meeting
† **November 18, 2004 - 9 a.m.** -- Open Meeting
† **November 30, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

Informal fact-finding conferences.

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.

BOARD OF CORRECTIONAL EDUCATION

† **November 19, 2004 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor,
Richmond, Virginia. ♿ (Interpreter for the deaf provided upon
request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional
Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219,
telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-
8647/TTY ☎, e-mail patricia.ennis@dce.virginia.gov.

BOARD OF CORRECTIONS

November 16, 2004 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. ♿



A meeting of the Liaison Committee to discuss correctional
matters of interest to 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.

November 16, 2004 - 1 p.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. ♿


A meeting of the Correctional Services/Policy and
Regulations Committee to discuss correctional services and
policy/regulation 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.

November 17, 2004 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 
Room 3054, 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.

November 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 considered by board committees and which 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.

BOARD OF COUNSELING


November 4, 2004 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 3, Richmond, Virginia. 

A meeting of the Credential Review Committee to review applicants' credentials for licensure.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.virginia.gov.

November 5, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. 

A quarterly business meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

December 9, 2004 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

November 5, 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 20-230, Regulations Relating to Special Conservators of the Peace**. The purpose of the proposed action is to establish a registration process to include a fingerprint-based background check, registration fees, entry-level training standards, and administration of the regulatory system. The regulation will authorize the department to receive complaints concerning the conduct of any person whose activities are monitored by the board; conduct investigations; issue disciplinary action; and revoke, suspend, and refuse to renew a registration.

Statutory Authority: § 9.1-150.2 of the Code of Virginia.

Contact: Ellen B. Spain, Regulatory Programs Coordinator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-1018, FAX (804) 692-6344 or e-mail ellen.spain@dcjs@virginia.gov.

December 9, 2004 - 11 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.


A general business meeting.

Contact: Judith Kirkendall, Department of Criminal Justice Services, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.virginia.gov.

BOARD OF DENTISTRY


November 5, 2004 - 9 a.m. -- Open Meeting
November 12, 2004 - 9 a.m. -- Open Meeting
December 3, 2004 - 9 a.m. -- Open Meeting
December 10, 2004 - 9 a.m. -- Open Meeting
December 17, 2004 - 9 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, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

November 18, 2004 - 2 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A formal hearing. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

Calendar of Events

November 19, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Board Room 1, Richmond, Virginia. 


A meeting to discuss regular board business. There will be a public comment period at the start of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

November 18, 2004 - 11 a.m. -- Open Meeting
December 16, 2004 - 11 a.m. -- Open Meeting
Department of General Services, Eighth Street Office Building,
805 East Broad Street, 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 the Division of Engineering and Building to confirm the 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

November 15, 2004 - 8:45 a.m. -- Open Meeting
† January 24, 2005 - 8:45 a.m. -- Open Meeting
Location to be announced.

A meeting of the Advisory Board for Teacher Education and Licensure. 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, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

November 17, 2004 - 9 a.m.-- Open Meeting
January 12, 2005 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms C and D, Richmond, Virginia. 

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.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

November 17, 2004 - 11 a.m. -- Public Hearing
James Monroe Building, 101 North 14th Street, Main Lobby, Conference Rooms C and D, Richmond, Virginia.

December 6, 2004 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Education intends to amend regulations entitled **8 VAC 20-30, Regulations Governing Adult High School Programs**. The purpose of the proposed action is twofold. First, adult high school programs, at which adults are able to earn a standard or advanced studies diploma, will be required to maintain the same high standards as regular day school programs. Second, the change provides a high-standard alternative diploma (the Adult Education Diploma) for adults who are unable to complete the requirements for a standard or advanced studies diploma.

Statutory Authority: § 22.1-224 of the Code of Virginia.

Contact: Robert MacGillivray, Adult Education Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2333, FAX (804) 225-2524, or e-mail rmacgill@mail.vak12ed.edu.

December 17, 2004 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Education intends to repeal regulations entitled **8 VAC 20-140, Regulations Governing Retention Schedule for Uniform Pupil Accounting Records**. The purpose of the proposed action is to repeal the regulation because it is in conflict with the Code of Virginia. Section 42.1-82 of the Code of Virginia vests the Library of Virginia with the authority to set the retention and disposition schedules for public records. The Library of Virginia has developed a retention schedule specific to the maintenance of records in Virginia's public schools. Therefore, the Board of Education no longer has the authority to set this schedule.

Statutory Authority: § 22.1-16 of the Code of Virginia.

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, or e-mail mroberts@mail.vak12ed.edu.

† **January 18, 2005** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Education intends to repeal regulations entitled **8 VAC 20-470, Nurses, Physicians, and Therapist Standards**. The purpose of the proposed action is to repeal the regulation because the requirements are unnecessary. Section 22.1-274 of the Code of Virginia states that local school boards may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists under the same provisions as provided by the board regulation. Since the Code of Virginia already permits schools divisions to employ these personnel and board regulations are not required, this regulation is unnecessary.

Statutory Authority: § 22.1-16 of the Code of Virginia.

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, or e-mail mroberts@mail.vak12ed.edu.


† **January 20, 2005 - 8:45 a.m.** -- Open Meeting

† **January 21, 2005 - 8:45 a.m.** -- Open Meeting
Richmond Holiday Inn, Koger Center, 10800 Midlothian Turnpike, Richmond, Virginia.


A meeting of the State Special Education Advisory Committee.


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, or e-mail mroberts@mail.vak12ed.edu.

STATE BOARD OF ELECTIONS


November 22, 2004 - 10:30 a.m. -- Open Meeting
State Capitol, House Room 2, Richmond, Virginia. 

A meeting to approve old business and ascertain the results of the November 2, 2004, elections, pursuant to § 24.2-679 of the Code of Virginia.


Contact: Vanessa E. Archie, Administrative Assistant, State Board of Elections, 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 864-8901, FAX (804) 371-0194, toll-free (800) 552-9745, (800) 260-3466/TTY , e-mail vanessa.archie@sbe.virginia.gov.

December 2, 2004 - 10:30 a.m. -- Open Meeting
State Capitol, House Room 2, Richmond, Virginia. 

A meeting to approve old business and review administrative process voting equipment certification and other business.


Contact: Vanessa E. Archie, Administrative Assistant, State Board of Elections, 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 864-8901, FAX (804) 371-0194, toll-free (800) 552-9745, (800) 260-3466/TTY , e-mail vanessa.archie@sbe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

November 4, 2004 - 6 p.m. -- Open Meeting
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. 


The Department of Environmental Quality will host an open house community meeting in each region of Virginia. The meetings are to improve the agency's ability to collaborate with stakeholders on identifying and working to solve environmental issues. These meetings begin an ongoing program of direct local community involvement.

Contact: Steven Dietrich, Regional Director, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6700, e-mail sadietrich@deq.virginia.gov.

† **November 4, 2004 - 6 p.m.** -- Open Meeting
Tacoma Community Center, Stone Mountain Road, Wise County, Virginia. 


A public meeting to review the draft implementation plan for water quality improvements in impaired segments of the Guest River watershed located in Wise, Dickenson and Russell counties. The comment period will begin upon publication of the notice in the Virginia Register of Regulations on November 1 and closes on December 4, 2004.

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.virginia.gov.

† **November 8, 2004 - 7 p.m.** -- Open Meeting
Bland County, Board of Education Office, Route 615, Bastian, Virginia. 

A public meeting on the draft benthic TMDL report for Hunting Camp Creek in Bland County. The public comment period begins upon publication of the notice in the Virginia Register of Regulations on November 1 and closes on December 8, 2004.

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.virginia.gov.


November 9, 2004 - 6:30 p.m. -- Open Meeting
Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, Abingdon, Virginia. 

The Department of Environmental Quality will host an open house community meeting in each region of Virginia. The meetings are to improve the agency's ability to collaborate with stakeholders on identifying and working to solve

Calendar of Events

environmental issues. These meetings begin an ongoing program of direct local community involvement.


Contact: Mike Overstreet, Regional Director, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24210, telephone (276) 676-4800, e-mail mdoverstre@deq.virginia.gov.

† **November 16, 2004 - 7 p.m.** -- Open Meeting
Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia. 

The final public meeting to address the bacteria impairments on stream segments in the Carter Run and Great Run watersheds located in Fauquier County. The comment period begins upon publication of the notice in the Virginia Register of Regulations on November 1 and closes on December 16, 2004.

Contact: Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, e-mail bhthomas@deq.virginia.gov.


BOARD OF FORESTRY

† **November 5, 2004 - 10 a.m.** -- Open Meeting
Department of Forestry Central Office, 900 Natural Resources Drive, Board Room, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist, Department of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 296-2369, e-mail donna.hoy@dof.virginia.gov.


CHARITABLE GAMING BOARD

December 7, 2004 - 10 a.m. -- Open Meeting
Science Museum of Virginia, RFandP Forum Room, 2500 West Broad Street, Richmond, Virginia. 


A regular quarterly meeting.

Contact: Clyde Cristman, Director, Department of Charitable Gaming, 101 N 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, e-mail clyde.cristman@dcg.virginia.gov.

BOARD FOR GEOLOGY

January 5, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular meeting.

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 geology@dpor.virginia.gov.

STATE BOARD OF HEALTH


December 3, 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 amend regulations entitled **12 VAC 5-230, State Medical Facilities Plan** and to repeal regulations entitled **12 VAC 5-240, General Acute Care Services; 12 VAC 5-250, Perinatal Services; 12 VAC 5-260, Cardiac Services; 12 VAC 5-270, General Surgical Services; 12 VAC 5-280, Organ Transplantation Services; 12 VAC 5-290, Psychiatric and Substance Abuse Treatment Services; 12 VAC 5-300, Mental Retardation Services; 12 VAC 5-310, Medical Rehabilitation Services; 12 VAC 5-320, Diagnostic Imaging Services; 12 VAC 5-330, Lithotripsy Services; 12 VAC 5-340, Radiation Therapy Services; 12 VAC 5-350, Miscellaneous Capital Expenditures; and 12 VAC 5-360, Nursing Home Services.** The purpose of the proposed action is to update the criteria and standards in the SMFP to reflect current national and health care industry standards, remove archaic language and ambiguities, and consolidate all portions of the SMFP into one comprehensive document.

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


Contact: Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail carrie.eddy@vdh.virginia.gov.

DEPARTMENT OF HEALTH


November 18, 2004 - 10:30 a.m. -- Open Meeting
Natural Resources Building, 900 Natural Resources Drive, Charlottesville, Virginia. 

A Biosolids Use Regulations Advisory Committee meeting to discuss possible amendments to the Biosolids Use Regulations related to land application of biosolids to farmland. This meeting will begin following a meeting of the Biosolids Use Information Committee (BUIC) that begins at 9:30 AM.

Contact: Cal Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, e-mail cal.sawyer@vdh.virginia.gov.

December 3, 2004 - 10:30 a.m. -- Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Conference Room, Glen Allen, Virginia. 

A quarterly meeting of the Advisory Committee for the Virginia Early Hearing Detection and Intervention Program.

Contact: Pat T. Dewey, Program Manager, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7713, FAX (804) 864-7721, toll-free (866) 493-1090, (804) 828-1120/TTY , e-mail pat.dewey@vdh.virginia.gov.

DEPARTMENT OF HEALTH PROFESSIONS

December 3, 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 Health Professions intends to adopt regulations entitled **18 VAC 76-20, Regulations Governing the Prescription Monitoring Program**. The purpose of the proposed action is to eliminate the requirement for a prescriber to submit a copy of a patient's consent form in order to query the monitoring system.

Statutory Authority: §§ 54.1-2505 and 54.1-2520 of the Code of Virginia.

Public comments may be submitted until December 3, 2004, to Robert A. Nebiker, Director, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.virginia.gov.

December 10, 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 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.virginia.gov.

December 15, 2004 - 11 a.m. -- Open Meeting
Virginia State Forensic Science Building, 6600 Northside High School Road, Roanoke, Virginia. ♿

A working meeting of the Advisory Committee Prescription Monitoring Program for the purpose of reviewing data collected for the Program Evaluation Workplan. Public comments will be received during this meeting.

Contact: Ralph Orr, Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9129, FAX (804) 662-9240.

BOARD FOR HEARING AID SPECIALISTS

November 8, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting to consider 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 Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.virginia.gov.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

November 5, 2004 - 10 a.m. -- Open Meeting
Virginia College Savings Plan Boardroom, James Monroe Building, 5th Floor, 101 North 14th Street, Richmond, Virginia. ♿

A Virginia College Savings Plan Board meeting.

Contact: Lee Hall, Special Projects Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 786-3605, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY ☎, e-mail Vcspinfo@virginia529.com.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **November 15, 2004 - Noon** -- Open Meeting
Norfolk Waterside Marriott Hotel, 235 East Main Street, Norfolk, Virginia. ♿

The Community Development Committee will consider Enterprise Zone Regulation issues.

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 steve.calhoun@dhcd.virginia.gov.

† **November 15, 2004 - 1 p.m.** -- Open Meeting
Norfolk Waterside Marriott Hotel, 235 East Main Street, Norfolk, Virginia. ♿

A regular business meeting. Members of the board are invited to attend a reception and dinner at the Waterside Marriott starting at 6 p.m.

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 steve.calhoun@dhcd.virginia.gov.

State Building Code Technical Review Board


November 19, 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)

A regular meeting of the board.


Calendar of Events

Contact: Vernon Hodge, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY


† **November 15, 2004 - 9 a.m.** -- Open Meeting
Norfolk Waterside Marriott Hotel, 235 East Main Street, Norfolk, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior monthly meeting; may consider for approval and ratification mortgage loan commitments under its various programs. The commissioners may also meet at scheduled events, including meals, before the regular meeting and during the Governor's Housing Conference on November 15 through 17, 2004; will consider for approval proposed amendments to the Authority's Rules and Regulations for Allocation of Low-Income Housing Tax Credits; will review the Authority's operations for the prior months; and will consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the 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) 968-7837, (804) 783-6705/TTY .


VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Wireless E-911 Services Board

November 10, 2004 - 9 a.m. -- Open Meeting
110 South 7th Street, 1st Floor, Telecommunications Conference Room, Suite 100, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the CMRS Subcommittee. A request will be made to hold the 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, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.


November 10, 2004 - 10 a.m. -- Open Meeting
110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting of the board.


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, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION


November 15, 2004 - Noon -- Open Meeting
November 16, 2004 - 8 a.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. 
(Interpreter for the deaf provided upon request)

A semiannual two-day meeting of the Board of Trustees and the board's standing committees, detailed schedule to be determined. Opportunity for public comment will be included on the agenda for the November 16 business meeting.


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.

December 1, 2004 - 2 p.m. -- Open Meeting
McGuireWoods, One James Center, 901 East Cary Street, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting of the Jamestown 2007 Executive 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.

STATE BOARD OF JUVENILE JUSTICE

November 10, 2004 - 10 a.m. -- Public Hearing
Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia. 

The board will receive comments from the public on proposed changes to its Standards for Juvenile Residential Facilities (6 VAC 35-140). In addition, committees of the board will meet at 9 a.m. to receive certification audit reports on secure and nonsecure programs, and the full board will meet at 10 a.m. to act on the certification reports and take up other matters.

Contact: Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail carigndr@djj.state.va.us.

NOTE: EXTENSION OF PUBLIC COMMENT DEADLINE
November 12, 2004 - Public comments may be submitted until 5 p.m. on this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice

intends to amend regulations entitled **6 VAC 35-140, Standards for Juvenile Residential Facilities**. As a result of the mandated periodic review of this regulation, and through discussions with the Virginia Commission on Youth and the superintendents of juvenile detention facilities, the department recommends that the regulation be amended to include additional standards for post-dispositional programs as mandated by the General Assembly in the 2000 Appropriation Act and § 16.1-284.1 D of the Code of Virginia, which states: "Standards for these facilities shall require juveniles placed pursuant to this section for a period which exceeds 30 calendar days to be provided separate services for their rehabilitation, consistent with the intent of this section."

Statutory Authority: §§ 16.1-309.9, 66-10 and 66-25.1 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

STATE LIBRARY BOARD


November 15, 2004 - 8:15 a.m. -- Open Meeting
† **January 27, 2005 - 8:15 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

8:15 a.m. - Public Library Development Committee, Orientation Room
Publications and Educational Services Committee, Conference Room B
Records Management Committee, Conference Room C

9:30 a.m. - Archival and Information Services Committee, Orientation Room
Collection Management Services Committee, Conference Room B
Legislative and Finance Committee, Conference Room C

10:30 a.m. - Library Board, Conference Room, 2M

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

November 10, 2004 - 7 p.m. -- Public Hearing
Town Council Chambers, Stephens City Municipal Building, 1033 Locust Street, Stephens City, Virginia.


A public hearing regarding the Town of Stephens City - County of Frederick voluntary settlement agreement.

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@dhcd.virginia.gov.

November 11, 2004 - 10:30 a.m. -- Open Meeting
Stephens City area, site to be announced.

A public presentation regarding the Town of Stephens City - County of Frederick voluntary settlement action.

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@dhcd.virginia.gov.


LONGWOOD UNIVERSITY

† **November 9, 2004 - 9:30 a.m.** -- Open Meeting
Greater Richmond Retail Merchant's Association, 5101 Monument Avenue, Chesterfield Room, Richmond, Virginia. 

A meeting of the Board of Visitors' Executive Committee to conduct routine business.

Contact: Jeanne Hayden, Office of the President, Longwood University, 201 High Street, Farmville, VA 23909, telephone (434) 395-2004, e-mail haydenjs@longwood.edu.


VIRGINIA MANUFACTURED HOUSING BOARD

November 18, 2004 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting to address complaints and claims against regulants and to carry out administration of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail Curtis.McIver@dhcd.virginia.gov.


MARINE RESOURCES COMMISSION

† **November 23, 2004 - 9:30 a.m.** -- Open Meeting
Virginia Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting.

Contact: Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail jane.mccroskey@mrc.virginia.gov

BOARD OF MEDICAL ASSISTANCE SERVICES

December 14, 2004 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. 

Calendar of Events

A routine quarterly meeting required in the BMAS by-laws.

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

November 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 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, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail jmenendez@dmas.virginia.gov.

November 17, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ♿

January 5, 2005 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. ♿

A meeting of the Medicaid Transportation Advisory Committee to discuss issues and problems in Medicaid transportation with the advisory committee and community.

Contact: Robert Knox, Transportation Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8854, FAX (804) 786-5799, (800) 343-0634/TTY ☎, e-mail robert.knox@dmas.virginia.gov.

Drug Utilization Review Board

November 4, 2004 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East 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, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail jmenende@dmas.virginia.gov.

BOARD OF MEDICINE

† **November 3, 2004 - 8:45 a.m.** -- Open Meeting
Department of Health Profession, 6603 West Broad Street, Richmond, Virginia.

An informal conference committee/special conference committee of the board, will convene informal conference(s)

to inquire into allegations that certain practitioner(s) may have violated laws and regulation governing the practice of medicine and other healing arts in Virginia. Further, the committee may review cases with staff for case disposition including consideration of consent orders for settlement. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6603 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail peggy.sadler@dhp.virginia.gov.

† **November 12, 2004 - 10:30 a.m.** -- Open Meeting
Department of Health Profession, 6603 West Broad Street, Richmond, Virginia. ♿

The full board or panel of the board will convene a formal administrative hearing to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. Further, the board may review cases with staff for case disposition including consideration of consent orders for settlement. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6603 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail peggy.sadler@dhp.virginia.gov.

November 19, 2004 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Executive Committee will consider regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 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.virginia.gov.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

November 4, 2004 - 9:30 a.m. -- Open Meeting
December 2, 2004 - 9:30 a.m. -- Open Meeting
January 6, 2005 - 9:30 a.m. -- Open Meeting
Henrico County Training Center, 7701 Parham Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting of the State and Local Advisory Team pursuant to §§ 2.2-5201 through 2.2-5203 of the Code of Virginia. A public comment period is scheduled.

Contact: Pamela Fitzgerald-Cooper, Director of Child and Adolescent Services, Department of Mental Health, Mental

Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-2183, FAX (804) 786-1587.

STATE MILK COMMISSION

December 15, 2004 - 10:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resource Drive, Room 2063, Charlottesville, Virginia.

A regular meeting to consider industry distributor licensing, base transfers and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify Edward C. Wilson at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Washington Bldg., 1100 Bank St., Suite 1019, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

November 10, 2004 - 8 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Jacquelin Branche, R. N., Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond VA 23220, telephone (804) 497-7188, FAX (804) 367-1604, toll-free (800) 435-5137, (804) 272-9268/TTY, e-mail dmvj3b@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

November 2, 2004 - 8 a.m. -- Open Meeting
December 7, 2004 - 8 a.m. -- Open Meeting
January 4, 2005 - 8 a.m. -- Open Meeting
† February 1, 2005 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room, 200 North Boulevard, 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, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† November 4, 2004 - 10 a.m. -- Open Meeting
† November 17, 2004 - 11:15 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room, 200 North Boulevard, Richmond, Virginia.

The following committees will meet:

11:15 - Art Acquisitions Subcommittee (most of this meeting will be held in closed session)
1:30 - Artistic Oversight Committee - CEO Parlor
3:15 p.m. - Government Affairs Committee - CEO 2nd Floor Conference Room

Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† November 17, 2004 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia.

A meeting for staff to update the Expansion Committee. All or most of the meeting will be in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† November 18, 2004 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO 2nd Floor Conference Room, 200 North Boulevard, Richmond, Virginia.

A meeting of the Fiscal Oversight Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† November 18, 2004 - Noon -- Open Meeting
Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia.

A meeting for staff to update the full board. Part of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

VIRGINIA MUSEUM OF NATURAL HISTORY

† November 4, 2004 - 10:30 a.m. -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, Virginia.

A meeting of the Finance Committee.

Contact: Cindy Rorrer, Director's Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112,

Calendar of Events

telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY ☎, e-mail crorrer@vmnh.net

BOARD OF NURSING

November 15, 2004 - 9 a.m. -- Open Meeting

November 17, 2004 - 9 a.m. -- Open Meeting

November 18, 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, 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.virginia.gov.

November 16, 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., 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 jay.douglas@dhp.virginia.gov.

December 2, 2004 - 9 a.m. -- Open Meeting

December 7, 2004 - 9 a.m. -- Open Meeting

December 8, 2004 - 9 a.m. -- Open Meeting

December 9, 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 certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.virginia.gov.

JOINT BOARDS OF NURSING AND MEDICINE

December 15, 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.virginia.gov.

BOARD OF NURSING HOME ADMINISTRATORS

† **November 23, 2004 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting of the Credentials Committee to develop a guidance document on the educational requirement for licensure.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

November 15, 2004 - 3 p.m. -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. ♿

A regular meeting of the Board of Visitors' Executive Committee 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, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

December 10, 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.


OLMSTEAD ADVISORY COMMITTEE

† **November 9, 2004 - 10 a.m.** -- Open Meeting

Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, Virginia.

A joint meeting of the Advisory Committee with the Olmstead Community Integration Implementation Team.


Contact: Kathie Shifflett, Administrative Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23288, telephone (804) 662-7069, FAX (804) 662-7663, e-mail kathie.shifflett@drs.virginia.gov.

December 21, 2004 - 1 p.m. -- Open Meeting
Virginia Housing and Development Authority, 601 South Belvidere Street, Richmond, Virginia. 


A meeting of the Olmstead Community Integration Implementation Team.

Contact: Viktoria Glenn, Administrative Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288, telephone (804) 662-7069, FAX (804) 662-7662, e-mail glennvh@drs.state.va.us.


BOARD FOR OPTICIANS

† **November 12, 2004 - 9:30 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. Person 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. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail opticians@dpor.virginia.gov.

BOARD OF OPTOMETRY

† **November 9, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. 

Informal conferences. Public comment will not be received.

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.virginia.gov.

† **December 1, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 54.1-3223 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled **18 VAC 105-20, Regulations Governing the Practice of Optometry**. The purpose of the proposed action is to amend the treatment guidelines and formulary of therapeutic pharmaceutical agents that can be prescribed or administered by a qualified optometrist.

Statutory Authority: § 54.1-3223 of the Code of Virginia.

Public comments may be submitted until December 1, 2004, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6603 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

PESTICIDE CONTROL BOARD

November 1, 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 Pesticide Control Board intends to amend regulations entitled **2 VAC 20-40, Rules and Regulations Governing Licensing of Pesticide Businesses by the Department of Agriculture and Consumer Services Operating Under Authority of the Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulations for effectiveness and continued need. The proposed regulations (i) establish standards for the licensure of pesticide businesses and for the denial, suspension, or revocation of the license; (ii) establish recordkeeping requirements for licensed pesticide businesses, as a means of ensuring that pesticides are stored and used safely; and (iii) protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

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

Contact: W. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598, toll-free 1-800-552-9963, or e-mail wsurles@vdacs.state.va.us.

BOARD OF PHARMACY

† **November 2, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Fifth 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.

December 10, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Fifth Floor, Conference Room 2, Richmond, Virginia.

A meeting of the board to consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911,

Calendar of Events

FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail scotti.russell@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 2, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business. 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 the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Eric Olson, Executive Director, Polygraph Examiners Advisory Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail olson@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

November 15, 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY ☎, e-mail judy.spiller@dpor.virginia.gov.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

November 17, 2004 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

December 17, 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 Professional and Occupational Regulation intends to amend regulations entitled **18 VAC 120-40, Virginia Professional Boxing and Wrestling Events Regulations**. The purpose of the proposed action is to adjust fees to comply with the Callahan Act (§ 54.1-113 of the Code of Virginia).

Statutory Authority: § 54.1-831 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, 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.oneal@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

January 11, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 W. 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.virginia.gov.

VIRGINIA PUBLIC BROADCASTING BOARD

† November 10, 2004 - 9 a.m. -- Open Meeting
Ninth Street Office Building, 202 N. 9th Street, Room 625,
Richmond, Virginia. ♿

This meeting immediately precedes the Public Broadcasting Board's full meeting.

Contact: Shannon Rainey, Virginia Public Broadcasting Board, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038.

† November 10, 2004 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Shannon Rainey, Research Assistant, Virginia Public Broadcasting Board, 202 N. 9th St., Suite 636, Richmond, VA 23219, telephone (804) 786-1201.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

December 9, 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

November 9, 2004 - 10 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.

November 10, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. ♿

Informal fact-finding conferences.

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.oneal@dpor.virginia.gov.

REAL ESTATE BOARD

November 4, 2004 - 9 a.m. -- Open Meeting
November 17, 2004 - 2 p.m. -- Open Meeting
† **November 18, 2004 - 3 p.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, 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.oneal@dpor.virginia.gov.

† **November 17, 2004 - 3 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5-West,
Richmond, Virginia. ♿

A meeting of the Education Committee to review education applications.

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.oneal@dpor.virginia.gov.

† **November 18, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4-West,
Richmond, Virginia. ♿

A meeting to discuss board business.

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.oneal@dpor.virginia.gov.

DEPARTMENT OF REHABILITATIVE SERVICES

† **November 5, 2004 - 9 a.m.** -- Open Meeting
J. Sargeant Reynolds Conference Center, Auditorium, North
Run Corporate Center, Richmond, Virginia. ♿ (Interpreter for
the deaf provided upon request)

A Commonwealth Neurotrauma Initiative Trust Fund
Community Grants colloquium. All community rehabilitation
service grantees will be giving a brief (15 minute)
presentation that summarizes the progress and outcomes of
their CNI funded grant initiatives to the CNI Advisory Board
members and fellow grantees. Preregistration is required.

Contact: Kristie Chamberlain, CNI Program Administrator,
Department of Rehabilitative Services, 8004 Franklin Farms
Dr., Richmond VA 23229, telephone (804) 662-7154, FAX
(804) 662-7663, e-mail chambekl@drs.state.va.us.

Disability Services Council

November 16, 2004 - 1 p.m. -- Open Meeting
Virginia Rehabilitation Center for the Blind and Vision
Impaired, 401 Azalea Avenue, Assembly Room, Richmond,
Virginia. ♿ (Interpreter for the deaf provided upon request)

Agenda item is the FY05 RSIF grant awards.

Contact: Shirley S. Ferguson, Policy and Planning Director,
Department of Rehabilitative Services, 8004 Franklin Farms
Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone
(804) 662-7070, toll-free (800) 552-5019, e-mail
ferguss@drs.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **November 17, 2004 - Noon** -- Open Meeting
Department of Business Assistance, 707 East Main Street,
3rd Floor Board Room, Richmond, Virginia. ♿

A meeting to review applications for loans submitted to the
authority for approval and general business of the board.
The 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

December 15, 2004 - 9 a.m. -- Open Meeting
Department of Social Services, 608 Jackson Street,
Fredericksburg, Virginia.

A work session from 9 a.m. until noon, followed by a full
board meeting at 1:30 p.m. Public comment will be received
at 1:30 p.m.

Contact: Pat Rengnerth, Board Liaison, Department of Social
Services, Office of Legislative and Regulatory Affairs, 7 N. 8th
St., Room 5214, Richmond, VA 23219, telephone (804) 726-

Calendar of Events

7905, FAX (804) 726-7906, (800) 828-1120/TTY ☎, e-mail patricia.rengnerth@dss.virginia.gov.

December 16, 2004 - 9 a.m. -- Open Meeting
Department of Social Services, 608 Jackson Street, Fredericksburg, Virginia.

A board meeting.

Contact: Pat Rengnerth, 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.

VIRGINIA TRANSPORTATION SAFETY BOARD

† **November 8, 2004 - 9 a.m.** -- Open Meeting
Danville Regional Airport, Danville, Virginia. ♿

A quarterly board meeting.

Contact: Audrey Odum, Management Analyst, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-0299, (800) 272-9268/TTY ☎, e-mail dmvado@dmv.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† **November 17, 2004 - 2 p.m.** -- Open Meeting
VDOT Central Auditorium, 1221 East Broad Street, Richmond, Virginia. ♿

A work session. VDOT and DRPT staff provide updates on projects, policy development, bids and pending action items. No public comments will be permitted at the workshop. If all items are not covered on November 17, they will be deferred to November 18 at 9 a.m. at the same location.

Contact: Katherine Tracy, Assistant Secretary of the Board, Commonwealth Transportation Board, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@VDOT.virginia.gov.

† **November 18, 2004 - 9 a.m.** -- Open Meeting
VDOT Central Auditorium, 1221 East Broad Street, Richmond, Virginia. ♿

A meeting of the board to vote on action items presented on projects, bids, conveyances and any other mattering requiring board action. A public comment period will be at the top of the agenda. Comments are limited to five minutes with one speaker per group. The board reserves the right to amend these conditions. Committee meetings, which are open to the public, may be held upon the call of the Chairman and will be posted separately.

Contact: Katherine Tracy, Assistant Secretary of the Board, Commonwealth Transportation Board, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@VDOT.Virginia.gov.

TREASURY BOARD

November 17, 2004 - 9 a.m. -- Open Meeting
101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Melissa Mayes, Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.virginia.gov.

VIRGINIA WASTE MANAGEMENT BOARD

November 4, 2004 - 1 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A public meeting to receive comments on the notice of intent to amend the coal combustion by-products regulation. The notice of intent will appear in the Virginia Register of Regulations on October 4, 2004. The public comment period closes on November 15, 2004.

Contact: Michael Dieter, Virginia Waste Management Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4032, e-mail mjdieter@deq.virginia.gov.

November 17, 2004 - 1 p.m. -- Open Meeting
November 18, 2004 - 9 a.m. -- Open Meeting
Williamsburg, Virginia area; location to be determined. ♿

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.

Contact: Cindy Berndt, Regulatory Coordinator, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmb Berndt@deq.virginia.gov.

BOARD OF VETERANS SERVICES


† **November 15, 2004 - 1 p.m.** -- Open Meeting
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia. ♿

A meeting of the board. A public comment period will begin at approximately 3 p.m.

Contact: Steven Combs, Assistant to Commissioner, Department of Veterans Services, 900 E. Main Street, Richmond, VA 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES


Veterans Services Foundation Board

† **November 17, 2004 - 11:30 a.m.** -- Open Meeting
American Legion Department of Virginia, 1708
Commonwealth Avenue, Richmond, Virginia. 

A meeting of the Veterans Services Foundation Board of Trustees. Public comment will be received at approximately 1:30 p.m.

Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.


Joint Leadership Council of Veterans Service Organizations

† **December 7, 2004 - 1 p.m.** -- Open Meeting
American Legion Department of Virginia, 1708
Commonwealth Avenue, Richmond, Virginia. 


A meeting of the Joint Leadership Council of Veterans Service Organizations. A public comment period will begin at approximately 3 p.m.


Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, Virginia 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

BOARD OF VETERINARY MEDICINE


† **November 3, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

Conflict of Interest training and general board business.


Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.virginia.gov.

† **November 4, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

Informal hearings (disciplinary hearings). Public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail terri.behr@dhp.virginia.gov.


VIRGINIA WASTE MANAGEMENT BOARD

November 4, 2004 - 1 p.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. 

A public meeting to receive comments on the notice of intent to amend the Regulation Governing Management of Coal Combustion By-Products, 9 VAC 20-85. The notice of intent appeared in the Virginia Register of Regulations on October 4, 2004. The public comment period closes on November 15, 2004.


Contact: Michael Dieter, Virginia Waste Management Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4032, e-mail mjdieter@deq.virginia.gov.

STATE WATER CONTROL BOARD

† **November 4, 2004 - 7 p.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. 


A public hearing to receive comments on the proposed reissuance of a VPDES permit to Virginia Electric and Power Company for its Chesterfield Power Station located at 500 Coxendale Road in Chesterfield County. An information briefing will be held prior to the hearing starting at 6:30 p.m. Additional information, including the fact sheet, draft permit and other documents are available by contacting the staff person listed below. The public comment period closes on November 19, 2004.

Contact: Ray Jenkins, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5037, FAX (804) 527-5106, e-mail rjenkins@deq.virginia.gov.

† **November 10, 2004 - 7 p.m.** -- Public Hearing
Riverheads High School, 19 Howardsville Road, Staunton,
Virginia. 

A public hearing to receive comments on the proposed addition of land application sites for the Houff's Feed and Fertilizer Company located in Weyers Cave, Virginia. The public comment period closes on November 25, 2004.

Contact: Brandon Kiracofe, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7892, FAX (540) 574-7878, e-mail bdkiracofe@deq.virginia.gov.

November 10, 2004 - 7 p.m. -- Open Meeting
Dabney S. Lancaster Community College, Moomaw Student
Center, 1000 Dabney Drive, Clifton Forge, Virginia. 


A public meeting to receive comment on the notice of intent to consider amending the water quality standards regulation to designate a portion of the Cowpasture River as a Tier III exceptional state resource water. The notice of intent will be published in the Virginia Register on October 4, 2004, and the public comment period closes on November 15, 2004.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522, e-mail jwgregory@deq.virginia.gov.

Calendar of Events


November 17, 2004 - 1 p.m. -- Open Meeting

November 18, 2004 - 9 a.m. -- Open Meeting

Williamsburg, Virginia area; location to be determined. 

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.

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 cmberndt@deq.virginia.gov.

December 2, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 


A regular board 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 cmberndt@deq.virginia.gov.


BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


November 10, 2004 - 9 a.m. -- Open Meeting

† **November 18, 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: David E. Dick, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.virginia.gov.

December 8, 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.virginia.gov.

THE COLLEGE OF WILLIAM AND MARY

November 18, 2004 - 1 p.m. -- Open Meeting

November 19, 2004 - 8 a.m. -- Open Meeting

Blow Memorial Hall, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Board of Visitors. The meeting will be open to the public but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.


INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **November 4, 2004 - 10 a.m.** -- Open Meeting

Location to be announced.  (Interpreter for the deaf provided upon request)

A meeting of the PAIMI Advisory Council. Public comment is welcome and will be received at the beginning of the meeting. For those needing interpreter services or other accommodations, please contact Ms. Delicia (Dee) Vance by October 21, 2004.

Contact: Delicia (Dee) Vance, Outreach Advocate, Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, VA 23230, telephone (804) 662-7099, FAX (804) 662-7057, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail vancedm@vopa.state.va.us.

BOARD FOR PROTECTION AND ADVOCACY


† **November 10, 2004 - 8 p.m.** -- Open Meeting

† **November 11, 2004 - 8 a.m.** -- Open Meeting

† **November 12, 2004 - 8 a.m.** -- Open Meeting

Florence Elston Inn and Conference Center, 450 Sweet Briar Drive, Sweet Briar, Virginia.  (Interpreter for the deaf provided upon request)

A three-day meeting of the governing board. Directions to the meeting site are available upon request. This is a working session and no public comment will be taken. For further information please contact Lisa Shehi at 1-800-552-3962.


Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, VA 23235, telephone (804) 225-2042, FAX (804) 662-7057, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail shelihm@vopa.state.va.us.

VIRGINIA RETIREMENT SYSTEM

November 16, 2004 - Noon -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received.

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.

November 17, 2004 - 11 a.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

Meetings of the following committees:

11 a.m. -- Investment Advisory Committee
2:30 p.m. - Benefits and Actuarial
4 p.m. - Administration and Personnel
4 p.m. - Audit and Compliance

No public comment will be received.

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.

November 24, 2004 - 9 a.m. -- Open Meeting

December 16, 2004 - 9 a.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 E. 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 Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ♿, or e-mail lking@vrs.state.va.us.

December 15, 2004 - 3 p.m. -- Open Meeting

Bank of America, 1111 East Main Street, Virginia Retirement System Investment Department, Pavilion, 4th Floor, Richmond, Virginia. ♿

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ♿, e-mail lking@vrs.state.va.us

LEGISLATIVE

VIRGINIA CODE COMMISSION

November 17, 2004 - 10 a.m. -- Open Meeting

December 15, 2004 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿

A meeting to continue with the revisions of Titles 1, 3.1 and 37.1 and to conduct any other business that may come before the commission. A brief public comment period is scheduled at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

December 2, 2004 - 2 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting.

Contact: Lynda Waddill, Administrative Assistant, or Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaacouncil@leg.state.va.us.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **November 8, 2004 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

Meeting topics are: Preserving Access to Trauma Services in the Commonwealth (HJR 183); Nutrient Management (HJR 72); and Internal Service Fund Rates.

Contact: Patricia Bishop, Fiscal Officer, Joint Legislative Audit and Review Commission, Suite 11000, General Assembly Bldg., Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, e-mail tbishop@leg.state.va.us.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

† **November 16, 2004 - 1:30 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A meeting of the JCOTS Integrated Government Advisory Committee.

Contact: Lisa Wallmeyer, Staff Counsel, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

† **November 17, 2004 - 1:30 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A meeting of the Privacy Advisory Committee of the Joint Commission on Technology and Science.

Contact: Mitchell Goldstein, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

December 1, 2004 - 9:30 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A full commission meeting to discuss 2005 legislative proposals.

Calendar of Events

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 1

† Air Pollution Control Board, State
Branch Pilots, Board for
Conservation and Recreation, Department of

November 2

Auctioneers Board
Contractors, Board for
Museum of Fine Arts, Virginia
† Pharmacy, Board of

November 3

Agriculture and Consumer Services, Department of
Air Pollution Control Board, State
Asbestos, Lead, and Home Inspectors, Board for
† Medicine, Board of
† Veterinary Medicine, Board of

November 4

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Audiology and Speech-Language Pathology, Board of
† Conservation and Recreation, Board of
† Contractors, Board for
Counseling, Board of
† Environmental Quality, Department of
Medical Assistance Services, Department of
- Drug Utilization Review Board
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
† Museum of Fine Arts, Virginia
† Museum of Natural History, Virginia
† Protection and Advocacy, Virginia Office for
Real Estate Board
Waste Management Board, Virginia
† Veterinary Medicine, Board of

November 5

Art and Architectural Review Board
Counseling, Board of
Dentistry, Board of
† Forestry, Board of
Higher Education Tuition Trust Fund, Virginia
† Rehabilitative Services, Department of

November 8

Alcoholic Beverage Control Board
† Environmental Quality, Department of
Hearing Aid Specialists, Board for
† Legislative Audit and Review Commission, Joint
† Transportation Safety Board, Virginia

November 9

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Environmental Quality, Department of

† Longwood University
† Olmstead Advisory Committee
† Optometry, Board of
Real Estate Appraiser Board

November 10

† Accountancy, Board for
Air Pollution Control Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

† Conservation and Recreation, Department of
Contractors, Board for
Information Technologies Agency, Virginia
- Wireless E-911 Services Board

Motor Vehicles, Department of
- Medical Advisory Board

† Protection and Advocacy, Board for

† Public Broadcasting Board, Virginia

Real Estate Appraiser Board

Water Control Board, State

Waterworks and Wastewater Works Operators, Board for

November 11

Local Government, Commission on
Medical Assistance Services, Department of
- Pharmacy Liaison Committee

† Protection and Advocacy, Board for

November 12

Dentistry, Board of

† Medicine, Board of

† Opticians, Board for

† Protection and Advocacy, Board for

November 15

Education, Board of

† Housing and Community Development, Board of

† Housing Development Authority, Virginia

Jamestown-Yorktown Foundation

Library Board, State

Nursing, Board of

Old Dominion University

Professional and Occupational Regulation, Board for

† Veterans Services, Board of

November 16

Community Colleges, State Board for

† Contractors, Board for

Corrections, Board of

† Environmental Quality, Department of

Jamestown-Yorktown Foundation

Nursing, Board of

Rehabilitative Services, Department of

- Disability Services Council

Retirement System, Virginia

† Technology and Science, Joint Commission on

November 17

Air Pollution Control Board, State

Code Commission, Virginia

Community Colleges, State Board for

Compensation Board

Contractors, Board for

Corrections, Board of

Education, Board of

Medical Assistance Services, Department of

- Medicaid Transportation Advisory Committee

† Museum of Fine Arts, Virginia
Nursing, Board of
† Real Estate Board
Retirement System, Virginia
† Small Business Financing Authority, Virginia
† Technology and Science, Joint Commission on
† Transportation Board, Commonwealth
Treasury Board
† Veterans Services, Department of
- Veterans Services Foundation Board
Waste Management Board, Virginia
Water Control Board, State

November 18

Air Pollution Control Board, State
† Chesapeake Bay Local Assistance Board
Community Colleges, State Board for
† Contractors, Board for
Dentistry, Board of
Design-Build/Construction Management Review Board
Health, Department of
Manufactured Housing Board, Virginia
† Museum of Fine Arts, Virginia
Nursing, Board of
† Real Estate Board
† Transportation Board, Commonwealth
Waste Management Board, Virginia
Water Control Board, State
† Waterworks and Wastewater Works Operators, Board for
William and Mary, The College of

November 19

† Correctional Education, Board of
Dentistry, Board of
Housing, Department of
- State Building Code Technical Review Board
Medicine, Board of
William and Mary, The College of

November 22

Alcoholic Beverage Control Board
Elections, State Board of

November 23

† Marine Resources Commission
† Nursing Home Administrators, Board of

November 24

Retirement System, Virginia

November 30

† Contractors, Board for

December 1

Jamestown-Yorktown Foundation
Technology and Science, Joint Commission on

December 2

† Aging, Commonwealth Council on
Elections, State Board of
Freedom of Information Advisory Council, Virginia
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing, Board of
Polygraph Examiners Advisory Board
Water Control Board, State

December 3

† Accountancy, Board of
Art and Architectural Review Board
Dentistry, Board of

Health, Department of

December 6

Alcoholic Beverage Control Board

December 7

Alzheimer's Disease and Related Disorders Commission
Charitable Gaming Board
Museum of Fine Arts, Virginia
Nursing, Board of
† Veterans Services, Department of
- Joint Leadership Council of Veterans Service
Organizations

December 8

† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Nursing, Board of
Waterworks and Wastewater Works Operators, Board for

December 9

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Criminal Justice Services Board
Nursing, Board of
Public Guardian and Conservator Advisory Board

December 10

Dentistry, Board of
Health Professions, Department of
Old Dominion University
Pharmacy, Board of

December 14

Contractors, Board for
Medical Assistance Services, Board of

December 15

Code Commission, Virginia
Health Professions, Department of
Milk Commission, State
Nursing and Medicine, Joint Boards of
Retirement System, Virginia
Social Services, State Board of

December 16

Design-Build/Construction Management Review Board
Retirement System, Virginia
Social Services, State Board of

December 17

Dentistry, Board of

December 20

Alcoholic Beverage Control Board

December 21

Olmstead Advisory Committee

January 4, 2005

Museum of Fine Arts, Virginia

January 5

Geology, Board for
Medical Assistance Services, Department of
- Medicaid Transportation Advisory Committee

January 11

Psychology, Board of

January 12

Education, Board of

January 19

† Community Colleges, State Board for

January 20

† Community Colleges, State Board for

Calendar of Events

† Education, Board of
January 21

† Education, Board of
January 24

† Education, Board of
January 27

† Library Board, State
February 1

† Museum of Fine Arts, Virginia

PUBLIC HEARINGS

November 4

† Water Control Board, State

November 10

Juvenile Justice, State Board of
Local Government, Commission on
† Water Control Board, State

November 17

Education, Board of
Professional and Occupational Regulation, Department of

December 9

Criminal Justice Services Board