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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2004 VAC Supplement includes final regulations published through *Virginia Register* Volume 20, Issue 24, dated August 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
<b>Title 1. Administration</b>			
1 VAC 75-40-10 through 1 VAC 75-40-60	Added	20:25 VA.R. 3082	9/22/04
<b>Title 2. Agriculture</b>			
2 VAC 5-500	Repealed	21:8 VA.R. 861	1/26/05
2 VAC 5-501-10 through 2 VAC 5-501-110	Added	21:8 VA.R. 861-869	1/26/05
2 VAC 5-530	Repealed	21:8 VA.R. 869	1/26/05
2 VAC 5-531-10 through 2 VAC 5-531-140	Added	21:8 VA.R. 869-908	1/26/05
2 VAC 20-30 (Forms)	Erratum	20:25 VA.R. 3111	--
<b>Title 3. Alcoholic Beverages</b>			
3 VAC 5-50-60	Amended	21:7 VA.R. 803	2/26/05
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 3-20-10 through 4 VAC 3-20-351	Repealed	21:3 VA.R. 317	1/29/05
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 15-260-10	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 20-25-10 through 4 VAC 20-25-40	Added	21:8 VA.R. 908-909	12/1/04
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 20-564-10 through 4 VAC 20-564-50 emer	Added	20:25 VA.R. 3096	8/16/04-9/3/04
4 VAC 20-620-40	Amended	21:10 VA.R. 1231	1/1/05
4 VAC 20-650-20	Amended	21:8 VA.R. 909	12/1/04
4 VAC 20-720-10 emer	Amended	21:12 VA.R. 1563	2/1/05-2/28/05
4 VAC 20-720-20 emer	Amended	21:12 VA.R. 1563	2/1/05-2/28/05
4 VAC 20-720-20	Amended	21:4 VA.R. 408	10/1/04
4 VAC 20-720-20	Amended	21:8 VA.R. 910	12/1/04
4 VAC 20-720-40 emer	Amended	21:12 VA.R. 1564	2/1/05-2/28/05
4 VAC 20-720-40 through 4 VAC 20-720-100	Amended	21:4 VA.R. 409-411	10/1/04
4 VAC 20-720-40 through 4 VAC 20-720-90	Amended	21:8 VA.R. 911-913	12/1/04
4 VAC 20-720-50 emer	Amended	21:12 VA.R. 1564	2/1/05-2/28/05
4 VAC 20-720-60 emer	Amended	21:12 VA.R. 1565	2/1/05-2/28/05
4 VAC 20-720-75	Added	21:8 VA.R. 912	12/1/04
4 VAC 20-720-110 emer	Amended	21:12 VA.R. 1565	2/1/05-2/28/05
4 VAC 20-910-45 emer	Amended	21:5 VA.R. 499	11/1/04-11/30/04
4 VAC 20-910-45	Amended	21:8 VA.R. 913	12/1/04
4 VAC 20-910-45 emer	Amended	21:10 VA.R. 1234	1/1/05-1/30/05
4 VAC 20-920-45	Added	21:8 VA.R. 914	12/1/04
4 VAC 20-950-47	Amended	21:5 VA.R. 497	10/29/04
4 VAC 20-950-48 emer	Amended	21:3 VA.R. 334	9/29/04-10/30/04
4 VAC 20-950-48	Amended	21:5 VA.R. 497	10/29/04
4 VAC 20-950-48.1	Added	21:5 VA.R. 497	10/29/04
4 VAC 20-1045-10	Added	21:4 VA.R. 412	10/1/04

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-1045-20	Added	21:4 VA.R. 412	10/1/04
4 VAC 20-1045-30	Added	21:4 VA.R. 412	10/1/04
4 VAC 20-1065-10 through 4 VAC 20-1065-40	Added	21:12 VA.R. 1523	2/1/05
4 VAC 25-31 (Forms)	Amended	21:1 VA.R. 28	--
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	1/29/05
<b>Title 6. Criminal Justice and Corrections</b>			
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 20-240-10 through 6 VAC 20-240-140 emer	Added	20:25 VA.R. 3097-3102	8/23/04-8/22/05
6 VAC 35-170-10 through 6 VAC 35-170-230	Added	21:9 VA.R. 1073	2/9/05
<b>Title 8. Education</b>			
8 VAC 20-140-10	Repealed	21:3 VA.R. 332	1/1/05
8 VAC 20-200-10	Repealed	21:7 VA.R. 804	3/1/05
8 VAC 20-210-10	Amended	21:4 VA.R. 413	1/1/05
8 VAC 20-260-10 through 8 VAC 20-260-60	Repealed	21:7 VA.R. 805-806	3/1/05
8 VAC 20-360-10	Amended	21:8 VA.R. 1011	3/15/05
8 VAC 20-360-20	Amended	21:8 VA.R. 1012	3/15/05
8 VAC 20-360-30	Repealed	21:8 VA.R. 1012	3/15/05
8 VAC 20-380-10 through 8 VAC 20-380-40	Repealed	21:7 VA.R. 806-807	3/1/05
8 VAC 20-400-10 through 8 VAC 20-400-50	Repealed	21:7 VA.R. 807-808	3/1/05
8 VAC 20-430-10 through 8 VAC 20-430-50	Repealed	21:7 VA.R. 808-809	3/1/05
8 VAC 20-470-10	Repealed	21:4 VA.R. 423	3/1/05
8 VAC 20-480-10	Repealed	21:7 VA.R. 809	3/1/05
8 VAC 20-680-10	Added	21:12 VA.R. 1559	5/9/05
8 VAC 20-680-20	Added	21:12 VA.R. 1559	5/9/05
8 VAC 20-690-10 through 8 VAC 20-690-50	Added	21:12 VA.R. 1525	3/29/05
8 VAC 40-30 emer	Repealed	21:6 VA.R. 684	11/8/04-11/7/05
8 VAC 40-31-10 through 8 VAC 40-31-320 emer	Added	21:6 VA.R. 684-698	11/8/04-11/7/05
<b>Title 9. Environment</b>			
9 VAC 5-20-21	Amended	21:11 VA.R. 1360	3/9/05
9 VAC 25-720-50	Erratum	21:11 VA.R. 1425	--
9 VAC 5-20-204	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-20-204	Amended	21:7 VA.R. 790	1/12/05
9 VAC 5-20-205	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-40-7240 through 9 VAC 5-40-7360	Added	21:11 VA.R. 1364-1389	3/9/05
9 VAC 5-50-400	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-60	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-90	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-91	Repealed	21:7 VA.R. 791	1/12/05
9 VAC 5-60-100	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-80-2000	Amended	21:4 VA.R. 413	12/1/04
9 VAC 5-80-2010	Amended	21:4 VA.R. 414	12/1/04
9 VAC 5-80-2250	Amended	21:4 VA.R. 419	12/1/04
9 VAC 20-130 (Forms)	Amended	21:11 VA.R. 1417	--
9 VAC 25-31-10	Amended	21:2 VA.R. 128	11/3/04
9 VAC 25-31-10	Amended	21:9 VA.R. 1073	2/9/05
9 VAC 25-31-10	Amended	21:10 VA.R. 1233	2/9/05
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 25-31-100	Amended	21:9 VA.R. 1084	2/9/05
9 VAC 25-31-100	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-120	Amended	21:9 VA.R. 1100	2/9/05

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-120	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-121	Repealed	21:9 VA.R. 1111	2/9/05
9 VAC 25-31-121	Repealed	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-130	Amended	21:2 VA.R. 158	11/3/04
9 VAC 25-31-130	Amended	21:9 VA.R. 1117	2/9/05
9 VAC 25-31-130	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-170	Amended	21:2 VA.R. 160	11/3/04
9 VAC 25-31-170	Amended	21:9 VA.R. 1119	2/9/05
9 VAC 25-31-170	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-200	Amended	21:2 VA.R. 162	11/3/04
9 VAC 25-31-200	Amended	21:9 VA.R. 1121	2/9/05
9 VAC 25-31-200	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-220	Amended	21:9 VA.R. 1123	2/9/05
9 VAC 25-31-220	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-390	Amended	21:9 VA.R. 1128	2/9/05
9 VAC 25-31-390	Amended	21:10 VA.R. 1233	2/9/05
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 25-151-140	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 25-191-40	Erratum	21:9 VA.R. 1170	--
9 VAC 25-191-50	Erratum	21:11 VA.R. 1425	--
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 25-260-30 Bottom Creek	Amended	21:11 VA.R. 1389	*
9 VAC 25-260-30 Lake Drummond	Amended	21:11 VA.R. 1390	*
9 VAC 25-260-30 Little Stony Creek	Amended	21:11 VA.R. 1390	*
9 VAC 25-260-30 Ragged Island	Amended	21:11 VA.R. 1390	*
9 VAC 25-400-10	Repealed	20:25 VA.R. 3083	9/22/04
9 VAC 25-401-10 through 9 VAC 25-401-50	Added	20:25 VA.R. 3083	9/22/04
9 VAC 25-590-10 through 9 VAC 25-590-100	Amended	21:8 VA.R. 915-919	1/26/05
9 VAC 25-590-120	Amended	21:8 VA.R. 919	1/26/05
9 VAC 25-590-120	Repealed	21:8 VA.R. 919	1/26/05
9 VAC 25-590-140 through 9 VAC 25-590-210	Amended	21:8 VA.R. 919-923	1/26/05
9 VAC 25-590-260	Amended	21:8 VA.R. 924	1/26/05
9 VAC 25-630 (Forms)	Erratum	21:9 VA.R. 1170	--
9 VAC 25-630-10	Amended	21:2 VA.R. 211	11/3/04

\* 30 days after publication of notice of EPA approval.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 25-660-10 through 9 VAC 25-660-100	Amended	21:8 VA.R. 929-940	1/26/05
9 VAC 25-670-10 through 9 VAC 25-670-100	Amended	21:8 VA.R. 940-957	1/26/05
9 VAC 25-680-10 through 9 VAC 25-680-100	Amended	21:8 VA.R. 957-976	1/26/05
9 VAC 25-690-10 through 9 VAC 25-690-100	Amended	21:8 VA.R. 976-997	1/26/05
9 VAC 25-720-50	Amended	21:9 VA.R. 1130	--
9 VAC 25-720-50	Amended	21:12 VA.R. 1526	3/23/05
9 VAC 25-720-60	Amended	21:9 VA.R. 1136	2/9/05
9 VAC 25-720-80	Amended	21:9 VA.R. 1143	2/9/05
9 VAC 25-720-80	Amended	21:12 VA.R. 1527	3/23/05
9 VAC 25-720-90	Amended	21:9 VA.R. 1152	2/9/05
9 VAC 25-720-90	Amended	21:12 VA.R. 1527	3/23/05
9 VAC 25-720-130	Amended	21:12 VA.R. 1528	3/23/05
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-100-10	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-100-20	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-100-30	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-110-10	Added	21:6 VA.R. 631	11/15/04
10 VAC 5-110-20	Added	21:6 VA.R. 631	11/15/04
<b>Title 11. Gaming</b>			
11 VAC 10-20-200	Amended	20:25 VA.R. 3083	9/23/04
11 VAC 10-20-240 emer	Amended	20:25 VA.R. 3102	7/28/04-7/27/05
11 VAC 10-45 (Forms)	Erratum	20:25 VA.R. 3112	--
<b>Title 12. Health</b>			
12 VAC 5-90-10 emer	Amended	21:6 VA.R. 699	11/5/04-11/4/05
12 VAC 5-90-40 emer	Amended	21:6 VA.R. 702	11/5/04-11/4/05
12 VAC 5-90-90 emer	Amended	21:6 VA.R. 703	11/5/04-11/4/05
12 VAC 5-90-100 emer	Amended	21:6 VA.R. 705	11/5/04-11/4/05
12 VAC 5-90-105 emer	Added	21:6 VA.R. 705	11/5/04-11/4/05
12 VAC 5-90-110 emer	Amended	21:6 VA.R. 706	11/5/04-11/4/05
12 VAC 5-90-120 emer	Added	21:6 VA.R. 708	11/5/04-11/4/05
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
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 5-410-10	Amended	21:12 VA.R. 1561	5/9/05
12 VAC 5-410-440	Erratum	21:8 VA.R. 1016	--
12 VAC 5-410-440	Amended	21:6 VA.R. 665	2/14/05
12 VAC 5-410-441 through 12 VAC 5-410-447	Added	21:6 VA.R. 666-681	2/14/05
12 VAC 5-590-505 emer	Added	21:9 VA.R. 1165	12/21/04-12/20/05
12 VAC 30-10-650	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-50-210	Amended	21:6 VA.R. 632	1/3/05
12 VAC 30-50-490 emer	Amended	21:12 VA.R. 1566	2/1/05-1/31/06
12 VAC 30-70-331	Amended	21:6 VA.R. 683	7/1/05
12 VAC 30-80-30	Amended	21:7 VA.R. 797	1/12/05
12 VAC 30-80-40	Amended	21:6 VA.R. 632	1/3/05
12 VAC 30-80-40 emer	Amended	21:6 VA.R. 709	12/1/04-11/30/05
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 30-80-190	Amended	21:7 VA.R. 800	1/12/05
12 VAC 30-90-29	Amended	21:2 VA.R. 223	11/3/04
12 VAC 30-120-10 through 12 VAC 30-120-60 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-211 emer	Amended	21:6 VA.R. 711	12/1/04-11/30/05
12 VAC 30-120-213 emer	Amended	21:6 VA.R. 714	12/1/04-11/30/05
12 VAC 30-120-215 emer	Amended	21:6 VA.R. 715	12/1/04-11/30/05
12 VAC 30-120-219 emer	Amended	21:6 VA.R. 718	12/1/04-11/30/05
12 VAC 30-120-223 emer	Amended	21:6 VA.R. 719	12/1/04-11/30/05
12 VAC 30-120-225 emer	Amended	21:6 VA.R. 720	12/1/04-11/30/05
12 VAC 30-120-227 emer	Amended	21:6 VA.R. 724	12/1/04-11/30/05
12 VAC 30-120-229 emer	Amended	21:6 VA.R. 725	12/1/04-11/30/05
12 VAC 30-120-233 emer	Amended	21:6 VA.R. 726	12/1/04-11/30/05
12 VAC 30-120-237 emer	Amended	21:6 VA.R. 728	12/1/04-11/30/05
12 VAC 30-120-241 emer	Amended	21:6 VA.R. 729	12/1/04-11/30/05
12 VAC 30-120-243 emer	Amended	21:6 VA.R. 730	12/1/04-11/30/05
12 VAC 30-120-245 emer	Amended	21:6 VA.R. 732	12/1/04-11/30/05
12 VAC 30-120-247 emer	Amended	21:6 VA.R. 733	12/1/04-11/30/05
12 VAC 30-120-249 emer	Amended	21:6 VA.R. 734	12/1/04-11/30/05
12 VAC 30-120-260	Amended	21:11 VA.R. 1391	3/10/05
12 VAC 30-120-280	Amended	21:11 VA.R. 1392	3/10/05
12 VAC 30-120-290	Amended	21:11 VA.R. 1394	3/10/05
12 VAC 30-120-310	Amended	21:11 VA.R. 1395	3/10/05
12 VAC 30-120-320	Amended	21:11 VA.R. 1395	3/10/05
12 VAC 30-120-350	Amended	21:11 VA.R. 1395	3/10/05
12 VAC 30-120-360	Amended	21:11 VA.R. 1396	3/10/05
12 VAC 30-120-370	Amended	21:11 VA.R. 1398	3/10/05
12 VAC 30-120-380	Amended	21:11 VA.R. 1400	3/10/05
12 VAC 30-120-400	Amended	21:11 VA.R. 1401	3/10/05
12 VAC 30-120-410	Amended	21:11 VA.R. 1401	3/10/05
12 VAC 30-120-420	Amended	21:11 VA.R. 1402	3/10/05
12 VAC 30-120-490 through 12 VAC 30-120-550 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-700 emer	Amended	21:12 VA.R. 1568	2/1/05-1/31/06
12 VAC 30-120-710 emer	Amended	21:12 VA.R. 1572	2/1/05-1/31/06
12 VAC 30-120-720 emer	Amended	21:12 VA.R. 1572	2/1/05-1/31/06
12 VAC 30-120-730 emer	Amended	21:12 VA.R. 1576	2/1/05-1/31/06
12 VAC 30-120-740 emer	Amended	21:12 VA.R. 1578	2/1/05-1/31/06
12 VAC 30-120-750 emer	Amended	21:12 VA.R. 1579	2/1/05-1/31/06
12 VAC 30-120-752 emer	Amended	21:12 VA.R. 1580	2/1/05-1/31/06
12 VAC 30-120-753 emer	Amended	21:12 VA.R. 1582	2/1/05-1/31/06
12 VAC 30-120-754 emer	Amended	21:12 VA.R. 1583	2/1/05-1/31/06
12 VAC 30-120-756 emer	Amended	21:12 VA.R. 1584	2/1/05-1/31/06
12 VAC 30-120-758 emer	Amended	21:12 VA.R. 1585	2/1/05-1/31/06
12 VAC 30-120-760 emer	Amended	21:12 VA.R. 1586	2/1/05-1/31/06
12 VAC 30-120-762 emer	Amended	21:12 VA.R. 1586	2/1/05-1/31/06
12 VAC 30-120-764 emer	Amended	21:12 VA.R. 1587	2/1/05-1/31/06
12 VAC 30-120-766 emer	Amended	21:12 VA.R. 1588	2/1/05-1/31/06
12 VAC 30-120-768 emer	Amended	21:12 VA.R. 1590	2/1/05-1/31/06
12 VAC 30-120-770 emer	Amended	21:12 VA.R. 1592	2/1/05-1/31/06
12 VAC 30-120-772 emer	Amended	21:12 VA.R. 1596	2/1/05-1/31/06
12 VAC 30-120-774 emer	Amended	21:12 VA.R. 1597	2/1/05-1/31/06
12 VAC 30-120-776 emer	Amended	21:12 VA.R. 1598	2/1/05-1/31/06
12 VAC 30-120-780 emer	Repealed	21:12 VA.R. 1600	2/1/05-1/31/06
12 VAC 30-120-790 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-900 through 12 VAC 30-120-990 emer	Added	21:12 VA.R. 1601-1619	2/1/05-1/31/06
12 VAC 30-130-290	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-310	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-320	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-330	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-335	Added	21:6 VA.R. 631	1/3/05

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-130-400	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-1000	Added	21:6 VA.R. 633	1/3/05
<b>Title 13. Housing</b>			
13 VAC 5-62-260	Amended	20:25 VA.R. 3084	9/8/04
13 VAC 10-180-10	Amended	21:11 VA.R. 1403	1/14/05
13 VAC 10-180-50	Amended	21:11 VA.R. 1403	1/14/05
13 VAC 10-180-60	Amended	21:11 VA.R. 1403	1/14/05
13 VAC 10-180-90	Amended	21:11 VA.R. 1412	1/14/05
13 VAC 10-180-110	Added	21:11 VA.R. 1412	1/14/05
<b>Title 14. Insurance</b>			
14 VAC 5-90-10 through 14 VAC 5-90-50	Amended	20:25 VA.R. 3090-3091	8/4/04
14 VAC 5-90-55	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 (Forms)	Amended	20:25 VA.R. 3092	8/4/04
<b>Title 16. Labor and Employment</b>			
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 25-90-1910.103	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.134	Amended	21:11 VA.R. 1412	3/15/05
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 25-90-1926.307	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-100-1915.5	Amended	21:11 VA.R. 1413	3/15/05
16 VAC 25-100-1915.501 through 16 VAC 25-100-1915.509	Added	21:11 VA.R. 1413-1414	3/15/05
16 VAC 25-155-10	Added	21:6 VA.R. 634	1/1/05
16 VAC 25-175-1926	Erratum	21:1 VA.R. 44	--
16 VAC 25-175-1926.950(c)(1)	Repealed	21:6 VA.R. 634	1/1/05
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-30-10 through 18 VAC 5-30-110	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 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 62-20-60	Erratum	21:1 VA.R. 44	--
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 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 85-80-61 emer	Added	20:25 VA.R. 3105	7/27/04-7/26/05
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



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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-361 through 18 VAC 90-20-364	Repealed	21:9 VA.R. 1156-1157	3/26/05
18 VAC 90-25-15	Added	21:9 VA.R. 1157	3/26/05
18 VAC 90-25-100	Amended	21:9 VA.R. 1158	3/26/05
18 VAC 90-25-110 through 18 VAC 90-25-140	Added	21:9 VA.R. 1158-1160	3/26/05
18 VAC 90-30-10	Amended	21:11 VA.R. 1414	3/9/05
18 VAC 90-30-60 through 18 VAC 90-30-90	Amended	21:11 VA.R. 1415-1416	3/9/05
18 VAC 90-30-85	Added	21:11 VA.R. 1415	3/9/05
18 VAC 95-20-471 emer	Added	20:25 VA.R. 3105	7/28/04-7/27/05
18 VAC 105-20-5 emer	Added	21:6 VA.R. 735	12/8/04-12/7/05
18 VAC 105-20-10 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-15 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-16 emer	Added	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-20 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-46	Added	21:8 VA.R. 998	12/8/04
18 VAC 105-20-47	Added	21:8 VA.R. 998	12/8/04
18 VAC 105-20-70 emer	Amended	21:6 VA.R. 737	12/8/04-12/7/05
18 VAC 105-30 emer	Repealed	21:6 VA.R. 735	12/8/04-12/7/05
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 145-20-151	Amended	21:3 VA.R. 319	12/1/04
18 VAC 160-20-102	Amended	21:3 VA.R. 319	12/1/04
<b>Title 19. Public Safety</b>			
19 VAC 30-70-1	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-2	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-6	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-7	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-8	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-9	Added	21:4 VA.R. 420	9/22/04
19 VAC 30-70-10	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-30 through 19 VAC 30-70-110	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-130 through 19 VAC 30-70-170	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-190 through 19 VAC 30-70-230	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-250 through 19 VAC 30-70-300	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-340	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-350	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-360	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-400	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-430 through 19 VAC 30-70-560	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-580	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-600	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-650	Amended	21:4 VA.R. 420	9/22/04
<b>Title 22. Social Services</b>			
22 VAC 15-30-10	Amended	21:12 VA.R. 1528	6/1/05
22 VAC 15-30-30	Amended	21:12 VA.R. 1532	6/1/05
22 VAC 15-30-50	Amended	21:12 VA.R. 1532	6/1/05
22 VAC 15-30-70	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-80	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-90	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-110	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-140	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-150	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-160	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-180	Amended	21:12 VA.R. 1535	6/1/05
22 VAC 15-30-190	Amended	21:12 VA.R. 1535	6/1/05
22 VAC 15-30-200	Amended	21:12 VA.R. 1536	6/1/05

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 15-30-230	Amended	21:12 VA.R. 1536	6/1/05
22 VAC 15-30-250	Amended	21:12 VA.R. 1537	6/1/05
22 VAC 15-30-260	Amended	21:12 VA.R. 1537	6/1/05
22 VAC 15-30-290	Amended	21:12 VA.R. 1538	6/1/05
22 VAC 15-30-310 through 22 VAC 15-30-390	Amended	21:12 VA.R. 1538-1542	6/1/05
22 VAC 15-30-410	Amended	21:12 VA.R. 1542	6/1/05
22 VAC 15-30-430	Amended	21:12 VA.R. 1543	6/1/05
22 VAC 15-30-440	Amended	21:12 VA.R. 1543	6/1/05
22 VAC 15-30-451	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-461	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-471	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-490	Amended	21:12 VA.R. 1546	6/1/05
22 VAC 15-30-500	Amended	21:12 VA.R. 1547	6/1/05
22 VAC 15-30-510	Amended	21:12 VA.R. 1547	6/1/05
22 VAC 15-30-520	Amended	21:12 VA.R. 1548	6/1/05
22 VAC 15-30-540 through 22 VAC 15-30-670	Amended	21:12 VA.R. 1548-1556	6/1/05
22 VAC 15-30-585	Added	21:12 VA.R. 1550	6/1/05
22 VAC 40-141-10 through 22 VAC 40-141-40	Amended	21:6 VA.R. 635	2/1/05
22 VAC 40-141-60 through 22 VAC 40-141-130	Amended	21:6 VA.R. 635	2/1/05
22 VAC 40-141-87	Added	21:6 VA.R. 634	2/1/05
22 VAC 40-141-150	Amended	21:6 VA.R. 636	2/1/05
22 VAC 40-141-170 through 22 VAC 40-141-210	Amended	21:6 VA.R. 636-638	2/1/05
22 VAC 40-705-30	Amended	21:4 VA.R. 421	12/1/04
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 20-70-10 through 24 VAC 20-70-50	Repealed	20:25 VA.R. 3092	9/22/04
24 VAC 30-90-10 through 24 VAC 30-90-380	Repealed	21:6 VA.R. 643	1/1/05
24 VAC 30-91-10	Erratum	21:12 VA.R. 1776	--
24 VAC 30-91-110	Erratum	21:12 VA.R. 1776	--
24 VAC 30-91-130	Erratum	21:12 VA.R. 1776	--
24 VAC 30-91-10 through 24 VAC 30-91-160	Added	21:6 VA.R. 643-663	1/1/05
24 VAC 30-120-170	Amended	21:3 VA.R. 330	11/17/04

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# PETITIONS FOR RULEMAKING

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF NURSING

#### Agency Decision

Title of Regulation: **18 VAC 90-50. Regulations Governing the Certification of Massage Therapists.**

Statutory Authority: §§ 54.1-2400 and 54.1-3029 of the Code of Virginia,

Name of Petitioner: Paul M. Garcia.

Nature of Petitioner's Request: To amend regulations establishing the examination and credential accepted by the board for certification as a massage therapist to accept passage of the Asian Bodywork Therapy Examination given by the National Certification Commission for Acupuncture and Oriental Medicine.

Agency Decision: Request denied.

Statement of Reasons for Decision: The Ad Hoc Advisory Committee on Massage Therapy met on January 18, 2005 and recommended that the Board of Nursing deny the petition for rulemaking based on their assessment that the NCCAOM tests a different area of competence than massage therapy and that one of the currently-approved exams addresses bodywork in addition to massage therapy. At its meeting on January 25, 2005, the board heard testimony by the petitioner and then voted to accept the recommendation of the ad hoc committee to deny the petition. The board also agreed to revisit the issue in a policy forum at a future meeting to receive additional information about the examination.

Agency Contact: Jay P. Douglas, Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, or e-mail [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

VA.R. Doc. No R05-50, February 25, 2004, 10:16 a.m.



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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

#### † Withdrawal of Notice of Intended Regulatory Action

The State Board of Education has **withdrawn** the Notice of Intended Regulatory Action for **8 VAC 20-680, Regulations Governing the General Achievement Diploma**, that was published in 20:6 VA.R. 530 December 1, 2003. The board is promulgating this regulation using the fast-track rulemaking process (see 21:12 1557-1559 February 21, 2005).

**Contact:** Dr. Margaret N. Roberts, Executive Assistant, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2924, FAX (804) 225-2524 or e-mail [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

VA.R. Doc. No. R04-31; Filed February 9, 2005, 4:33 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 Education intends to consider adopting regulations entitled **8 VAC 20-700, Regulations for Conducting Division-Level Academic Reviews**. The purpose of the regulation is to outline the process and procedures for conducting the division-level academic review and submitting the corrective action plan to the Board of Education. The criteria for selection for the division-level academic review, the structure of the division-level academic review, and the requirements for the division improvement plans and corrective actions will be addressed. In addition, provision for reviews to be conducted by agencies or organizations other than the Department of Education when appropriate will be addressed.

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

Statutory Authority: § 22.1-253.13:3 of the Code of Virginia.

Public comments may be submitted until April 6, 2005.

**Contact:** Dr. Margaret N. Roberts, Executive Assistant, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2924, FAX (804) 225-2524 or e-mail [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

VA.R. Doc. No. R05-135; Filed February 16, 2005, 11:19 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to consider adopting regulations entitled **8 VAC 20-710,**

**Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions.** The purpose of the proposed action is to provide for a process whereby school divisions may submit proposals for the consolidation of school divisions. The mandate to promulgate regulations is the result of Chapter 917 of the 2004 Acts of Assembly.

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

Statutory Authority: § 22.1-25 of the Code of Virginia.

Public comments may be submitted until March 24, 2005.

**Contact:** Dr. Margaret N. Roberts, Executive Assistant, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2924, FAX (804) 225-2524 or e-mail [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

VA.R. Doc. No. R05-124; Filed February 2, 2005, 10:03 a.m.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-193, General Virginia Pollutant Discharge Elimination System Permit for Ready-Mixed Concrete Plants**. The purpose of the proposed action is to include appropriate and necessary permitting requirements for discharges of wastewater from concrete product facilities.

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

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

Public comments may be submitted until March 11, 2005.

**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032 or e-mail [ychoi@deq.virginia.gov](mailto:ychoi@deq.virginia.gov).

VA.R. Doc. No. R05-112; Filed January 19, 2005, 12:09 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to include new numerical and narrative criteria to protect

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# Notices of Intended Regulatory Action

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designated uses of lakes and reservoirs from the impacts of nutrients. The rulemaking may also include new or revised use designations for certain categories of lakes and reservoirs.

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

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

Public comments may be submitted until April 8, 2005.

**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](mailto:jwgregory@deq.virginia.gov).

VA.R. Doc. No. R05-113; Filed January 26, 2005, 3:07 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider adopting regulations entitled **9 VAC 25-810, General VPDES Permit for Coin-Operated Laundries**. The purpose of the proposed action is to establish appropriate and necessary permitting requirements for discharges of wastewater from coin-operated laundries.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia and § 402 of the Clean Water Act (33 USC 1251 et seq.).

Public comments may be submitted until March 11, 2005.

**Contact:** George E. Cosby, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032 or e-mail [gecosby@deq.virginia.gov](mailto:gecosby@deq.virginia.gov).

VA.R. Doc. No. R05-111; Filed January 19, 2005, 11:36 a.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services**, and **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to incorporate the changes recommended by the 2003 IFDDS Waiver Task Force to better meet the needs of individuals receiving individual and family developmental disabilities support services through the waiver.

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

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

Public comments may be submitted until March 23, 2005, to Suzanne Klaas, Division of Long-Term Care and Quality Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Brian McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail [brian.mccormick@dmas.virginia.gov](mailto:brian.mccormick@dmas.virginia.gov).

VA.R. Doc. No. R05-119; Filed January 27, 2005, 4:36 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to combine the elderly and disabled waiver with the consumer-directed waiver.

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

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

Public comments may be submitted until March 23, 2005, to Vivian Horn, Division of Long-Term Care and Quality Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Brian McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail [brian.mccormick@dmas.virginia.gov](mailto:brian.mccormick@dmas.virginia.gov).

VA.R. Doc. No. R05-117; Filed January 27, 2005, 4:31 p.m.

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled **22 VAC 40-71, Standards and Regulations for Licensed Assisted Living Facilities** and adopting **22 VAC 40-72, Standards for Licensed Assisted Living Facilities**. The purpose of the proposed action is to repeal the existing assisted living facility licensing regulation and adopt revisions to the assisted living facility licensing requirements to provide increased protection

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## Notices of Intended Regulatory Action

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for the health, safety and welfare of aged, infirm or disabled persons who reside in such facilities. Because of the probable extent of the changes to this regulation in both content and format, it is proposed that the current regulation, 22 VAC 40-71 be repealed and a new regulation, 22 VAC 40-72 be adopted. The proposed action to adopt a new regulation would include a comprehensive examination of the current regulation and revisions based on implementation experience, changes in populations served in the facilities, legislative mandates, revisions to related regulations, current practices and research findings. The new regulation would also include technical amendments and clarifications.

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

Statutory Authority: §§ 63.2-217 63.2-1732, 63.2-1802, 63.2-1803, 63.2-1805 and 63.2-1808 of the Code of Virginia.

Public comments may be submitted until April 6, 2005.

**Contact:** Judith McGreal, Program Development Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7157, FAX (804) 726-7132 or e-mail [judith.mcgreal@dss.virginia.gov](mailto:judith.mcgreal@dss.virginia.gov).

VA.R. Doc. No. R05-134; Filed February 16, 2005, 10:20 a.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-130, Minimum Standards for Licensed Private Child Placing Agencies**. The purpose of the proposed action is to reflect current federal and state law, interstate compact, and program policy and to reflect other federal and state requirements. Standards for treatment foster care will be added to reflect the current practice of licensed child placing agencies and to allow certification of agencies for Medicaid reimbursement of treatment foster care case management services. Standards regulating intercountry adoptions, assisted conception, and independent living will also be added. The regulation will clarify and strengthen requirements for child placing agency staff and foster and adoptive parents. The amended regulation will also respond to technical and programmatic questions that have been raised since 1989, update operational requirements including consolidating requirements for different programs as appropriate, clarify terms, increase consistency between and among programs, and make the regulation easier to understand. The amended regulation is necessary to incorporate current program requirements at the federal and state level and provide standards for programs that have changed or expanded since 1989. A goal of the amended regulation is to integrate relevant federal, interstate, and state changes since 1989. The other major goal is to strengthen the regulation by addressing issues that have been raised during the past several years and by reorganizing and adding sections to make it more functional.

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

Statutory Authority: §§ 63.2-217, 63.2-1701 and 63.2-1734 of the Code of Virginia.

Public comments may be submitted until March 9, 2005.

**Contact:** Wenda Singer, Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7148, FAX (804) 726-7132 or e-mail [wenda.singer@dss.virginia.gov](mailto:wenda.singer@dss.virginia.gov).

VA.R. Doc. No. R05-110; Filed January 18, 2005, 10:35 a.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-705, Child Protective Services**. The purpose of the proposed action is to review and amend, as needed, child protective services (CPS) regulations formulated in 1998 related to the protection of rights of children, families, and alleged abusers while keeping children safe from harm.

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

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

Public comments may be submitted until March 9, 2005.

**Contact:** Rita L. Katzman, Child Protective Services Program Manager, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7554, FAX (804) 726-7895 or e-mail [rita.katzman@dss.virginia.gov](mailto:rita.katzman@dss.virginia.gov).

VA.R. Doc. No. R05-109; Filed January 18, 2005, 10:35 a.m.



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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

### STATE CORPORATION COMMISSION

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

**Title of Regulation:** 10 VAC 5-160. Rules Governing Mortgage Lenders and Brokers (amending 10 VAC 5-160-10, 10 VAC 5-160-20, and 10 VAC 5-160-30; adding 10 VAC 5-160-60).

**Statutory Authority:** §§ 6.1-421 and 12.1-13 of the Code of Virginia.

**Public Hearing Date:** A public hearing will be held upon request.

Public comments may be submitted until April 15, 2005.

**Agency Contact:** Susan Hancock, Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9701, toll-free (800) 552-7945, FAX (804) 371-9416, or e-mail susan.hancock@scc.virginia.gov.

#### Summary:

*The proposed regulations establish restrictions, guidelines, and recordkeeping requirements for advertisements used by mortgage lenders and mortgage brokers, limit the use of the words "approved" and "preapproved," define several terms, and impose written reporting requirements in connection with the occurrence of various events. The State Corporation Commission is also proposing to make technical changes to several existing definitions, and to modify and supplement its regulations concerning operating rules and lock-in agreements.*

AT RICHMOND, FEBRUARY 11, 2005

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2005-00012

Ex Parte: In re: proposed mortgage lender and mortgage broker regulations

#### ORDER TO TAKE NOTICE

WHEREAS, § 6.1-421 of the Mortgage Lender and Broker Act (the "Act") authorizes the State Corporation Commission

("Commission") to adopt such rules and regulations as it deems appropriate to effect the purposes of the Act;

WHEREAS, § 6.1-424 of the Act prohibits a mortgage lender or mortgage broker required to be licensed under the Act from using or causing to be published an advertisement that contains any false, misleading, or deceptive statement or representation;

WHEREAS, § 6.1-411 of the Act exempts various persons from licensing and other provisions of the Act, including subsidiaries and affiliates of a lender authorized to engage in business as a bank, savings institution, or credit union, provided such subsidiaries and affiliates are subject to the general supervision or regulation of, or subject to audit or examination by, a regulatory body or agency of the United States, any state or territory of the United States, or the District of Columbia;

WHEREAS, § 6.1-425.2 of the Act requires licensed mortgage lenders and mortgage brokers to file a written report with the Commissioner of Financial Institutions within 15 days of becoming aware of the occurrence of any event listed in such statute, as well as any other event as may be identified by rule;

WHEREAS, on December 13, 2004, the Commission entered a Final Order in Case No. BFI-2004-00013 (Petition of Calusa Investments, LLC) and such Final Order required the Bureau of Financial Institutions (the "Bureau") to propose regulations that address, at a minimum: (i) the use of the term "pre-approved" or similar terms in advertising and marketing materials used by mortgage lenders and mortgage brokers; (ii) the definitions of "subsidiary" and "affiliate" under the Act; and (iii) reporting requirements regarding the surrender of a license in another state by a Virginia-licensed mortgage lender or mortgage broker;

WHEREAS, the Bureau has proposed regulations that establish restrictions, guidelines, and recordkeeping requirements for advertisements used by mortgage lenders and mortgage brokers, limit the use of the words "approved" and "preapproved," define several terms, and impose written reporting requirements in connection with the occurrence of various events; and

WHEREAS, the Bureau has also proposed to make technical changes to several existing definitions, and to modify and supplement the Commission's regulation concerning operating rules, 10 VAC 5-160-20, and its regulation applicable to lock-in agreements, 10 VAC 5-160-30;

IT IS THEREFORE ORDERED THAT:

(1) The proposed regulations are appended hereto and made a part of the record herein.

(2) Comments or requests for hearing on the proposed regulations must be submitted in writing to Joel H. Peck,

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# Proposed Regulations

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Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before April 15, 2005. Requests for hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All correspondence shall contain a reference to Case No. BFI-2005-00012. Interested persons desiring to submit comments or request a hearing electronically may do so by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

(3) The proposed regulations shall be posted on the Commission's website at <http://www.scc.virginia.gov/caseinfo.htm>.

AN ATTESTED COPY hereof, together with a copy of the proposed regulations, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions, who shall forthwith mail a copy of this Order, together with the proposed regulations, to all licensed mortgage lenders and mortgage brokers and such other interested parties as he may designate.

## 10 VAC 5-160-10. Definitions.

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

*"Advertisement" means a commercial message in any medium that promotes, directly or indirectly, a mortgage loan. The term includes a communication sent to a consumer as part of a solicitation of business, but excludes messages on promotional items such as pens, pencils, notepads, hats, calendars, etc.*

*"Affiliate" for purposes of subdivision 3 of § 6.1-411 of the Code of Virginia means an entity of which 25% or more of the voting shares or ownership interest is held, directly or indirectly, by a company that also owns a bank, savings institution, or credit union.*

*"Commission" and "commissioner" shall have the meanings ascribed to them in § 6.1-409 of the Code of Virginia.*

"Commitment" means a written offer to make a mortgage loan signed by a mortgage lender, or by another person authorized to sign such instruments offers on behalf of a mortgage lender.

"Commitment agreement" means a commitment accepted by an applicant for a mortgage loan, as evidenced by the applicant's signature thereon.

"Commitment fee" means any fee or charge accepted by a mortgage lender, or by a mortgage broker for transmittal to a mortgage lender, as consideration for binding the mortgage lender to make a mortgage loan in accordance with the terms of the a commitment or as a requirement for acceptance by the applicant of a commitment, but the term does not include fees paid to third persons or interest.

"Fees paid to third persons" means the bona fide fees or charges paid by the applicant for a mortgage loan to third

persons other than the mortgage lender or mortgage broker, or paid by the applicant to, or retained by, the mortgage lender or mortgage broker for transmittal to such third persons in connection with the mortgage loan, including, but not limited to, recording taxes and fees, reconveyance or releasing fees, appraisal fees, credit report fees, attorney fees, fees for title reports and title searches, title insurance premiums, surveys and similar charges.

"Lock-in agreement" means a written agreement between a mortgage lender, or a mortgage broker acting on behalf of a mortgage lender, and an applicant for a mortgage loan which that establishes and sets an interest rate and the points to be charged in connection with a mortgage loan that is closed within the time period specified in the agreement. A lock-in agreement can be entered into before mortgage loan approval, subject to the mortgage loan being approved and closed, or after such approval. A commitment agreement which that establishes and sets an interest rate and the points to be charged in connection with a mortgage loan that is closed within the time period specified in the agreement is also a lock-in agreement. The interest rate that is established and set by the agreement may be either a fixed rate or an adjustable rate.

"Lock-in fee" means any fee or charge accepted by a mortgage lender, or by a mortgage broker for transmittal to a mortgage lender, as consideration for making a lock-in agreement, but the term does not include fees paid to third persons or interest.

"Mortgage lender," "mortgage broker," and "mortgage loan" shall have the meaning meanings ascribed to them in § 6.1-409 of the Code of Virginia.

"Points" means any fee or charge retained or received by a mortgage lender or mortgage broker stated or calculated as a percentage or fraction of the principal amount of the loan, other than or in addition to fees paid to third persons or interest.

"Reasonable period of time" means that period of time, determined by a mortgage lender in good faith on the basis of its most recent relevant experience and other facts and circumstances known to it, within which the mortgage loan will be closed.

*"Subsidiary" for purposes of subdivision 3 of § 6.1-411 of the Code of Virginia means an entity of which 25% or more of the voting shares or ownership interest is held, directly or indirectly, by a bank, savings institution, or credit union.*

## 10 VAC 5-160-20. Operating rules.

A licensee shall conduct its business in accordance with the following rules:

1. No licensee shall intentionally misrepresent the qualification requirements for a mortgage loan or any material loan terms or make false promises or misleading statements to induce an applicant to apply for a mortgage loan or to induce an applicant to enter into any commitment agreement or lock-in agreement or to induce an applicant to pay any commitment fee or lock-in fee in connection therewith. A "material loan term" means the loan terms required to be disclosed to a consumer pursuant to (i) the



~~federal~~ Truth-in-Lending Act (15 USC §§ 1601-1647 *et seq.*), and regulations and official commentary issued thereunder, as amended from time to time, (ii) § 6.1-2.9:5 of the Code of Virginia, and (iii) 10 VAC 5-160-30 ~~of this chapter.~~

2. *No licensee shall retain any portion of any fees or charges imposed upon consumers for goods or services provided by third parties.* All moneys received by a licensee from an applicant for fees paid to third persons shall be accounted for separately, and all disbursements for fees paid to third persons shall be supported by adequate documentation of the services for which such fees were or are to be paid. All such moneys shall be deposited in an escrow account in a bank, savings institution, or credit union segregated from other funds of the licensee.

3. The mortgagor who obtains a mortgage loan shall be entitled to continue to make payments to the transferor of the servicing rights under a mortgage loan until the mortgagor is given written notice of the transfer of the servicing rights by the transferor. The notice shall specify the name and address to which future payments are to be made and shall be mailed or delivered to the mortgagor at least 10 calendar days before the first payment affected by the notice.

4. If a person has been or is engaged in business as a mortgage lender or mortgage broker and has filed a bond ~~or letter of credit~~ with the commissioner, as required by § 6.1-413 of the Code of Virginia, such bond ~~or letter of credit~~ shall be retained by the commissioner notwithstanding the occurrence of any of the following events:

- a. The person's application for a license is withdrawn or denied;
- b. The person's license is surrendered, suspended, or revoked; or
- c. The person ceases engaging in business as a mortgage lender or mortgage broker.

5. *Within 15 days of becoming aware of the occurrence of any of the following events, a licensed mortgage lender or mortgage broker shall file a written report with the commissioner describing such event and its expected impact, if any, on the activities of the licensee in the Commonwealth:*

- a. *The licensee files for bankruptcy or reorganization.*
- b. *Any governmental authority institutes revocation or suspension proceedings against the licensee, or revokes or suspends a mortgage-related license held or formerly held by the licensee.*
- c. *Any governmental authority takes formal or informal regulatory or enforcement action against the licensee relating to its mortgage business.*
- d. *Based on allegations by any governmental authority that the licensee violated any law or regulation applicable to the conduct of its licensed mortgage business, the licensee enters into, or otherwise agrees to the entry of, a*

*settlement or consent order, decree, or agreement with or by such governmental authority.*

e. *The licensee surrenders its license to engage in any mortgage-related business in another state in lieu of threatened or pending license revocation, license suspension, or other regulatory or enforcement action.*

f. *The licensee is denied a license to engage in any mortgage-related business in another state.*

g. *The licensee or any of its employees, officers, directors, or principals is indicted for a felony.*

h. *The licensee or any of its employees, officers, directors, or principals is convicted of a felony.*

6. *No licensee shall inform a consumer that such consumer has been or will be "approved," "preapproved," or "pre-approved" for a mortgage loan unless a mortgage lender has issued a written commitment, after a comprehensive analysis of the consumer's creditworthiness (including verification of income, resources, and other matters typically done as part of a normal credit evaluation program), which is conditioned solely upon (i) identification of a suitable property, if the subject property has not yet been identified; (ii) no material change in the applicant's financial condition or creditworthiness prior to closing; and (iii) limitations not related to the financial condition or creditworthiness of the applicant that a mortgage lender ordinarily attaches to a traditional mortgage application (such as completion of a home inspection, an acceptable title insurance binder, certification of a clear termite inspection, etc.).*

## **10 VAC 5-160-30. Commitment agreements and lock-in agreements.**

A. A commitment agreement shall include the following:

1. Identification of the property intended to secure the mortgage loan (this does not require a formal legal description);
2. The principal amount and term of the loan;
3. The interest rate and points for the mortgage loan if the commitment agreement is also a lock-in agreement or a statement that the mortgage loan will be made at the mortgage lender's prevailing rate and points for such loans at the time of closing or a specified number of days prior to closing;
4. The amount of any commitment fee and the time within which the commitment fee must be paid;
5. Whether or not funds are to be escrowed and for what purpose;
6. Whether or not private mortgage insurance is required;
7. The length of the commitment period;
8. A statement that if the loan is not closed within the commitment period, the mortgage lender is no longer obligated by the commitment agreement and any commitment fee paid by the applicant will be refunded only under the circumstances set forth in subsection C of this

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# Proposed Regulations

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section and such other circumstances as are set forth in the commitment agreement; and

9. Any other terms and conditions of the commitment agreement required by the lender.

B. A lock-in agreement shall *be signed by a representative of the mortgage lender or mortgage broker* and include the following:

1. The interest rate and points for the mortgage loan, and if the rate is an adjustable rate, the initial interest rate and a brief description of the method of determining the rate (such as the index and the margin);

2. The amount of any lock-in fee and the time within which the lock-in fee must be paid;

3. The length of the lock-in period;

4. A statement that if the loan is not closed within the lock-in period, the mortgage lender is no longer obligated by the lock-in agreement and any lock-in fee paid by the applicant will be refunded only under the circumstances set forth in subsection D of this section and such other circumstances as are set forth in the lock-in agreement;

5. A statement that any terms not locked-in by the lock-in agreement are subject to change until the loan is closed at settlement; and

6. Any other terms and conditions of the lock-in agreement required by the *mortgage lender or mortgage broker acting on behalf of a mortgage lender*.

C. If an applicant has paid any commitment fee, and the mortgage loan is not closed due to any of the following, such commitment fee shall be refunded:

1. The commitment period was not a reasonable period of time given the prevailing market conditions at the time the commitment agreement was entered into;

2. The mortgage loan is turned down because of the applicant's lack of creditworthiness; or

3. The mortgage loan is turned down because of the appraised value of the property intended to secure the mortgage loan.

D. If an applicant has paid any lock-in fee and the loan is not closed because the lock-in period was not a reasonable period of time given the prevailing market conditions at the time the lock-in agreement was entered into, such lock-in fee shall be refunded.

E. *A mortgage broker shall not issue a lock-in agreement to a consumer unless the mortgage broker has actually locked in the mortgage loan, including the applicable interest rate, points, and other terms, with a mortgage lender. A mortgage broker shall maintain written confirmation from the mortgage lender of all lock-in information for at least three years from the date the lock-in expires.*

## **10 VAC 5-160-60. Advertising.**

A. *Every advertisement used by, or published on behalf of, a licensed mortgage lender or mortgage broker shall clearly and conspicuously disclose the following information:*

1. *The name of the mortgage lender or mortgage broker as set forth in the license issued by the commission.*

2. *A statement that the mortgage lender or mortgage broker is licensed by the "Virginia State Corporation Commission."*

3. *The license number assigned by the commission to the mortgage lender or mortgage broker (i.e., MB-XXX, ML-XXX, or MLB-XXX).*

4. *If licensed solely as a mortgage broker, a statement that loans are funded by third-party mortgage lenders.*

5. *If an advertisement contains a rate of interest, a statement that the stated rate may change or not be available at the time of loan commitment or lock-in.*

6. *If an advertisement contains specific information about a consumer's existing mortgage loan and such information was not obtained from the consumer, a statement identifying the source of such information (e.g., public court records, credit reporting agency, etc.).*

B. *No mortgage lender or mortgage broker shall deceptively advertise a mortgage loan, make false or misleading statements or representations, or misrepresent the terms, conditions, or charges incident to obtaining a mortgage loan.*

C. *No mortgage lender or mortgage broker shall use or cause to be published an advertisement that states or implies any of the following:*

1. *A mortgage loan will be funded by a mortgage broker.*

2. *A mortgage loan can be approved or closed immediately.*

3. *The mortgage lender or mortgage broker is affiliated with, or an agent or division of, a governmental agency, depository institution, or other entity with which no such relationship exists.*

4. *A consumer has been or will be "approved," "preapproved," or "pre-approved" for a mortgage loan, unless a mortgage lender has issued a written commitment, after a comprehensive analysis of the consumer's creditworthiness (including verification of income, resources, and other matters typically done as part of a normal credit evaluation program), which is conditioned solely upon (i) identification of a suitable property, if the subject property has not yet been identified; (ii) no material change in the applicant's financial condition or creditworthiness prior to closing; and (iii) limitations not related to the financial condition or creditworthiness of the applicant that a mortgage lender ordinarily attaches to a traditional mortgage application (such as completion of a home inspection, an acceptable title insurance binder, certification of a clear termite inspection, etc.).*

D. *A mortgage lender or mortgage broker shall not use or cause to be published any advertisement that gives a consumer the false impression that the advertisement is being sent by the consumer's current noteholder or lienholder. If an*

advertisement contains the name of the consumer's current noteholder or lienholder, it shall not be more conspicuous than the name of the mortgage lender or mortgage broker using the advertisement.

E. A mortgage lender or mortgage broker shall not deliver or cause to be delivered to a consumer any envelope or other written material that gives the false impression that the mailing or written material is an official communication from a governmental entity, unless required by the United States Postal Service.

F. If an advertisement states or implies that a consumer can reduce his monthly payment by refinancing his current mortgage loan, but as a result of such refinancing, the consumer's total finance charges may be higher over the life of the loan, a mortgage lender or mortgage broker shall clearly and conspicuously disclose to the consumer that by refinancing the consumer's existing loan, the consumer's total finance charges may be higher over the life of the loan. For comparison purposes, a mortgage lender or mortgage broker shall assume that the consumer's existing mortgage loan and the proposed mortgage loan remain outstanding until maturity. Total finance charges shall be calculated in accordance with the Truth in Lending Act, 15 USC § 1601 et seq., and Regulation Z, 12 CFR Part 226.

G. Every advertisement used by, or published on behalf of, a mortgage lender or mortgage broker shall comply with the disclosure requirements contained in the Truth in Lending Act and Regulation Z.

H. For purposes of this section, the term "clearly and conspicuously" means that a required disclosure is reasonably understandable, prominently located, and readily noticeable by an average consumer.

1. For written advertisements, including web pages, disclosures shall be printed in at least 10-point type in order to be considered readily noticeable. For advertisements consisting of multiple pages, disclosures are deemed to be prominently located if they appear on the first page of the advertisement. If the disclosures appear elsewhere, they are deemed to be prominently located if the first page of the advertisement contains a clear and conspicuous reference to the location of the required disclosures and states the following in at least 10-point type: "Please see important disclosures required by Virginia law."

2. Disclosures that are transmitted by electronic means are evaluated for purposes of the clearly and conspicuously standard based on the form in which they are provided to a consumer, even though they may be viewed by a consumer in a different form.

3. For television advertisements, disclosures shall appear in a size and for a duration sufficient for them to be easily noticed, read, and understood. For radio advertisements or advertisements communicated by telephone, disclosures shall be spoken so that their contents may be easily understood.

I. Every mortgage lender and mortgage broker shall retain for at least three years after it is last published, delivered, transmitted, or made available, a sample of every

advertisement used, including but not limited to solicitation letters, commercial scripts and recordings of all radio and television broadcasts, and copies of internet web pages and other electronic media.

VA.R. Doc. No. R05-132; Filed February 15, 2005, 10:37 a.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### 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 20-252. **Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-50, 4 VAC 20-252-55, 4 VAC 20-252-130, 4 VAC 20-252-150, and 4 VAC 20-252-160).**

**Statutory Authority:** §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

**Effective Date:** February 2, 2005.

**Agency Contact:** Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail debbie.cawthon@mrc.virginia.gov.

#### Summary:

*The amendments (i) clarify that a recreational possession limit applies to a specific 24-hour period; (ii) establish the recreational harvest level; (iii) augment the reporting requirements of commercial fishermen who are permitted to harvest striped bass; (iv) augment the reporting requirements of permitted buyers who purchase striped bass; (v) establish the commercial harvest quota; (vi) establish requirements for returning unused tags to the commission; and (vii) provide a means to account for all unused tags.*

#### **4 VAC 20-252-50. Concerning recreational fishing: general.**

A. It shall be unlawful for any person fishing recreationally to take or to catch striped bass with any gear other than hook and line, rod and reel, or hand line.

B. It shall be unlawful for any person fishing recreationally to possess any striped bass while fishing in an area where or at a time when there is no open recreational striped bass season. Striped bass caught contrary to this provision shall be returned to the water immediately.

C. It shall be unlawful for any person fishing recreationally to possess *land and retain any* striped bass in excess of the possession limit applicable for the area and season being fished *within the 24-hour period of 12 a.m. through 11:59 p.m.*

Striped bass taken in excess of the possession limit shall be returned to the water immediately.

When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by the applicable personal possession limit. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

D. It shall be unlawful to combine possession limits when there is more than one area or season open at the same time.

E. It shall be unlawful for any person while actively fishing pursuant to a recreational fishery to possess any striped bass that are smaller than the minimum size limit or larger than the maximum size limit for the area and season then open and being fished. Any striped bass caught that does not meet the applicable size limit shall be returned to the water immediately.

F. It shall be unlawful for any person to sell, offer for sale, trade or barter any striped bass taken by hook and line, rod and reel, or hand line provided, however, this provision shall not apply to persons possessing a commercial hook-and-line license and a striped bass permit and meeting the other requirements of this chapter.

G. It shall be unlawful for any person fishing recreationally to transfer any striped bass to another person, while on the water or while fishing from a pier or shore.

H. It shall be unlawful for the captain of any charter boat or charter vessel to take hook-and-line, rod-and-reel, or hand line fishermen for hire unless the captain has obtained a permit from the commission and is the holder of a Coast Guard charter license.

I. Charter boat captains shall report to the commission, on forms provided by the commission, all daily quantities of striped bass caught and harvested, and daily fishing hours for themselves or their customers, respectively. The written report shall be forwarded to the commission no later than 15 days following the last day of any open season. In addition, charter boat captains engaging in the Bay and Coastal Spring Trophy-size Striped Bass Recreational Fishery and the Potomac River Tributaries Spring Striped Bass Recreational Fishery shall provide the report required by 4 VAC 20-252-60 and 4 VAC 20-252-70, respectively. Failure to provide these reports is a violation of this chapter.

#### **4 VAC 20-252-55. Recreational harvest quota.**

The total allowable level of all recreational harvest of striped bass for all open seasons and for all legal gear shall be ~~1,364,154~~ 1,504,927 pounds of whole fish. At such time as the total recreational harvest of striped bass is projected to reach ~~1,364,154~~ 1,504,927 pounds, and announced as such,

it shall be unlawful for any person to land or possess striped bass caught for recreational purposes.

#### **4 VAC 20-252-130. Entry limits, permits, and reports.**

A. There is established a special permit for engaging in either the Chesapeake area commercial fishery for striped bass or the coastal area commercial fishery for striped bass, and it shall be unlawful for any person to engage in either commercial fishery for striped bass without first having obtained the permit from the commission and meeting the following conditions:

1. The person shall be a licensed registered commercial fisherman.
2. The person shall have reported all prior fishing activity in accordance with 4 VAC 20-610 and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation.

B. Permits for the commercial harvest of striped bass in the Chesapeake area shall be issued to any registered commercial fishermen holding striped bass quota shares issued under the provisions of 4 VAC 20-252-160, except as provided by subsection C of this section.

C. Initially, permits for the 2003 commercial harvest of striped bass in the coastal area shall be issued as described in subdivisions 1 and 2 of this subsection.

1. Permits for the coastal area striped bass commercial fishery shall be limited to any registered commercial fishermen who landed a total of at least 1,000 pounds of striped bass from the coastal area in one year or more from 1993 through 1997 and harvested striped bass from the coastal area in either 2001 or 2002 as documented by the commission's mandatory reporting database, and who choose to surrender 236 tags of his Chesapeake area striped bass harvest quota. Should the coastal area harvest quota described in 4 VAC 20-252-150 B be insufficient to provide permits for all those who qualify according to the requirements in this subdivision, permits shall be granted first on the basis of the total number of years a fisherman landed striped bass from 1993 through 1997, and secondarily on the total number of pounds landed by a fisherman from 1993 through 1997.

2. If shares of coastal area quota remain, following the initial permitting process in 2003, as described in subdivision 1 of this subsection, subsequent permits issued for the 2003 coastal area commercial striped bass fishery shall first be limited, sequentially, to those fishermen who landed the most striped bass beyond a minimum total landings amount of 1,000 pounds from the coastal area during the most number of years from 1993 through 1997 and landed striped bass from the coastal area in either 2001 or 2002 as documented by the commission's mandatory reporting database, and who choose to surrender 236 tags of their Chesapeake area striped bass harvest quota. Secondarily, permits issued for the 2003 coastal area commercial striped bass fishery shall be limited, sequentially, to those fishermen who landed the most striped bass, beyond a minimum total landings amount of 1,000 pounds, from the coastal area during the most number of years from 1993

through 1997 as documented by the commission's mandatory reporting database, and who choose to surrender 236 tags of their Chesapeake area striped bass harvest quota.

3. Permittees for the 2003 commercial harvest of striped bass in the coastal area shall receive an equal share of the coastal area quota of tags.

D. It shall be unlawful for any person to purchase striped bass taken from Virginia's tidal waters for the purpose of resale without first obtaining a permit from the commission.

E. Permits must be in the possession of the permittee while harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.

F. All *permitted* commercial harvesters of striped bass shall report to the commission in accordance with 4 VAC 20-610. In addition to the reporting requirements of 4 VAC 20-610, all *permitted* commercial harvesters of striped bass shall record and report daily striped bass tag use *and specify the number of tags used on striped bass harvested in either the Chesapeake area or coastal area*. Daily striped bass tag use *on striped bass harvested from either the Chesapeake area or coastal area*, within any month, shall be recorded on forms provided by the commission and shall accompany the monthly catch report submitted no later than the fifth day of the following month.

~~G. All buyers of striped bass taken from Virginia's tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days following the last day of each commercial fishing season.~~ Any buyer permitted to purchase striped bass harvested from Virginia tidal waters shall provide written reports to the commission of daily purchases and harvest information on forms provided by the Marine Resources Commission. Such information shall include the date of the purchase, buyer's and harvester's striped bass permit numbers, and harvester's Commercial Fisherman Registration License number. In addition, for each different purchase of striped bass harvested from Virginia waters, the buyer shall record the gear type, water area fished, city or county of landing, weight of whole fish, and number and type of tags (Chesapeake area or coastal area) that applies to that harvest. These reports shall be completed in full and submitted monthly to the Marine Resources Commission no later than the fifth day of the following month. In addition, during the month of December, each permitted buyer shall call the Marine Resources Commission interactive voice recording system on a daily basis to report his name and permit number, date, pounds of Chesapeake area striped bass purchased and pounds of coastal area striped bass purchased.

H. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this chapter.

#### **4 VAC 20-252-150. Commercial harvest quota; conversion to striped bass tags.**

A. The commercial harvest quota for the Chesapeake area shall be determined annually by the Marine Resources

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Commission. The total allowable level of all commercial harvest of striped bass from the Chesapeake Bay and its tributaries and the Potomac River tributaries of Virginia for all open seasons and for all legal gear shall be ~~4,364,154~~ 1,504,927 pounds of whole fish. At such time as the total commercial harvest of striped bass from the Chesapeake area is projected to reach ~~4,364,154~~ 1,504,927 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the Chesapeake area.

B. The commercial harvest quota for the coastal area of Virginia shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the coastal area for all open seasons and for all legal gear shall be 184,853 pounds of whole fish. At such time as the total commercial harvest of striped bass from the coastal area is projected to reach 184,853 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the coastal area.

C. For the purposes of assigning individual shares for commercial harvests in the Chesapeake area, as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota to arrive at the commercial harvest quota of tags.

D. For the purposes of assigning individual shares, for commercial harvests in the coastal area of Virginia as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota, to arrive at the commercial harvest quota of tags.

#### **4 VAC 20-252-160. Individual transferable shares; tagging.**

A. For each person permitted under the provisions of 4 VAC 20-252-130 to harvest striped bass commercially, tags shall be distributed to permitted fishermen in amounts equal to the share of the Chesapeake area and coastal area striped bass harvest quota they hold. Tags issued for Chesapeake area harvest quota shall only be used for striped bass harvests in the Chesapeake area, and tags issued for the coastal area harvest quota shall only be used for striped bass harvests in the coastal area.

B. It shall be unlawful for any person permitted under the provisions of 4 VAC 20-252-130 to harvest striped bass commercially to possess any striped bass tagged with Chesapeake area tags within the waters of the coastal area, unless such person obtains from the commissioner a permit that authorizes transit from the Chesapeake area to the coastal area, for the purposes of returning to the port of landing.

C. Shares of the commercial striped bass quota of tags held by any permitted fisherman may be transferred to any other

person who is a licensed registered commercial fisherman; such transfer shall allow the transferee to harvest striped bass in a quantity equal to the share transferred. Any transfer of striped bass commercial shares shall be limited by the following conditions.

1. Commercial striped bass shares shall not be transferred in any quantity less than 20 tags.
2. No licensed registered commercial fisherman shall hold shares totaling more than 2.0% of the total annual Chesapeake area commercial striped bass harvest quota of tags or more than 11% of the total annual coastal area commercial striped bass harvest quota of tags.
3. No transfer of striped bass commercial harvest quota shares shall be authorized unless such transfer is documented on a form provided by the Marine Resources Commission, notarized by a lawful Notary Public, and approved by the commissioner.

D. Transfers of Chesapeake area or coastal area striped bass commercial quota shares from one person to another may be permanent or temporary. Transferred tags from the Chesapeake area striped bass commercial quota shall only be used by the transferee for striped bass harvested from the Chesapeake area, and transferred tags from the coastal area striped bass commercial quota shall only be used by the transferee for striped bass harvested from the coastal area. Permanent transfers of commercial quota shares shall grant to the transferee that transferred share of the quota of tags for future years, and the transferor loses that same transferred share of the quota of tags in future years. Temporary transfers of striped bass commercial harvest quota shares shall allow the transferee to harvest that transferred share of the quota of tags during the year in which the transfer is approved. Thereafter, any share of the transferred striped bass commercial quota of tags reverts back to the transferor.

E. The commission will issue striped bass tags to permitted striped bass commercial fishermen prior to the start of the fishing season.

F. Striped bass tags are valid only for use by the permittee to whom the tags were allotted. The permittee shall be on board the boat or vessel when striped bass are harvested and tags are applied. Nothing in this subsection shall prevent a permitted commercial hook-and-line fisherman from using three crew members who are not registered commercial fishermen to assist in the harvest of his allotment of striped bass.

G. At the place of capture, and as soon as possible after capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. Failure to comply with these provisions shall be a violation of this chapter.

H. It shall be unlawful to bring to shore any commercially caught striped bass that has not been marked by the fisherman with a tamper evident, numbered tag provided by the commission. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession.

I. Altering or attempting to alter any tag for the purpose of reuse shall constitute a violation of this chapter.

J. ~~Any tags issued and not used shall be returned to the commission by the permittee within 15 days after the close of the commercial fishery for the year. Prior to receiving any commercial season's allotment of striped bass tags, a permitted commercial harvester shall be required to have returned all unused tags from the previous commercial season to the commission. Any unused tags that cannot be turned in to the commission shall be accounted for by the harvester submitting an affidavit to the commission that explains the disposition of the unused tags that are not able to be turned into the commission.~~

VA.R. Doc. No. R05-128; Filed February 2, 2005, 3:01 p.m.

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Title of Regulation: **4 VAC 20-450. Pertaining to the Taking of Bluefish (amending 4 VAC 20-450-30).**

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

Effective Date: February 2, 2005.

Agency Contact: Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail debbie.cawthon@mrc.virginia.gov.

Summary:

*The amendment increases the commercial landing quota of bluefish for the period January 1 through December 31 from 1,138,412 pounds to 1,235,310 pounds.*

**4 VAC 20-450-30. Commercial landings quota.**

A. During the period of January 1 through December 31, commercial landings of bluefish shall be limited to ~~4,138,412~~ 1,235,310 pounds.

B. When it is projected that 95% of the commercial landings quota has been realized, a notice will be posted to close commercial harvest and landings from the bluefish fishery within five days of posting.

C. It shall be unlawful for any person to harvest or land bluefish for commercial purposes after the closure date set forth in the notice described in subsection B of this section.

VA.R. Doc. No. R05-127; Filed February 2, 2005, 3:01 p.m.

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Title of Regulation: **4 VAC 20-910. Pertaining to Scup (amending 4 VAC 20-910-45).**

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

Effective Date: February 2, 2005.

Agency Contact: Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail debbie.cawthon@mrc.virginia.gov.

Summary:

*The amendments (i) increase the possession and landing limit in Virginia from 15,000 to 30,000 pounds of scup during each consecutive 14-day landing period instead of each seven-day period, and starts the 14-day period on January 2, instead of January 1; (ii) eliminates the seven-day period timeframe tied to the 1,000 pound possession limit of scup, when it has been projected that 80% of the coastwide quota for the period has been attained; and (iii) reduce the commercial harvest and landing limit of scup in Virginia from 7,911 pounds to 5,040 pounds during the May 1 through October 31 time period.*

**4 VAC 20-910-45. Possession limits and harvest quotas.**

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel *or to land* in Virginia more than ~~45,000~~ 30,000 pounds of scup.
2. Land in Virginia more than a total of ~~45,000~~ 30,000 pounds of scup during each consecutive ~~seven-day~~ 14-day landing period, with the first ~~seven-day~~ 14-day period beginning on January 4 2.

B. When it is projected and announced that 80% of the coastwide quota for this period has been attained, it shall be unlawful for any person to ~~do any of the following:~~ 4. possess aboard any vessel *or to land* in Virginia more than a total of 1,000 pounds of scup.

2. Land in Virginia more than a total of 1,000 pounds of scup during each ~~seven-day~~ landing period, with the first ~~seven-day~~ landing period beginning upon the announcement that 80% of the coastwide quota has been projected to be attained.

C. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more 3,500 pounds of scup.

D. During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to ~~7,911~~ 5,040 pounds.

E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 50 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally

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eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R05-126; Filed February 2, 2005, 3 p.m.

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**Title of Regulation:** 4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-48).

**Statutory Authority:** §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

**Effective Date:** February 2, 2005.

**Agency Contact:** Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail debbie.cawthon@mrc.virginia.gov.

**Summary:**

*The amendment extends consideration by the commission for the granting of black sea bass quota to applicants with any hardship. The commission will give preference for a hardship consideration to those applicants who can demonstrate greater levels of participation in the fishery. The amendment also limits the quantity of black sea bass quota that will be provided to hardship applicants and provides further that the quota is not transferable for five years.*

**4 VAC 20-950-48. Individual fishery quotas; bycatch limit; at sea harvesters; exceptions.**

A. Each person possessing a directed fishery permit shall be assigned an individual fishery quota, in pounds, for each calendar year. A person's individual fishery quota shall be equal to that person's percentage of the total landings of black sea bass in Virginia from July 1, 1997, through December 31, 2001, multiplied by the directed commercial fishery black sea bass quota for the calendar year. Any directed fishery permittee shall be limited to landings in the amount of his individual fishery quota, in pounds, in any calendar year and it shall be unlawful for any permittee to exceed his individual fishery quota. In addition to the penalties prescribed by law, any overages of an individual's fishery quota shall be deducted from that permittee's individual fishery quota for the following year.

B. In the determination of a person's percentage of total landings, the commission shall use the greater amount of landings from either the National Marine Fisheries Service Dealer Weigh-out Reports or National Marine Fisheries Service Vessel Trip Reports that have been reported and filed as of November 26, 2002. If a person's percentage of the total landings of black sea bass is determined by using the Vessel Trip Reports as the greater amount, then the person shall provide documentation to the Marine Resources Commission to verify the Vessel Trip Reports as accurate. This documentation may include dealer receipts of sales or other pertinent documentation, and such documentation shall be

submitted to the commission by December 1, 2004. In the event the commission is not able to verify the full amount of the person's Vessel Trip Reports for the qualifying period, the commission shall use the greater amount of landings, from either the Dealer Weigh-Out Reports or the verified portion of the Vessel Trip Reports to establish that person's share of the quota.

~~C. From October 28, 2004, to December 31, 2004, it shall be unlawful for any person permitted for the bycatch fishery to possess aboard a vessel or to land in Virginia, in any one day, more than 500 pounds of black sea bass, except that any person permitted for the bycatch fishery may possess aboard a vessel, or land in Virginia, more than 500 pounds in any one day, but not more than 1,000 pounds, provided the total weight of black sea bass on board the vessel, or landed in any one day, shall not exceed 10%, by weight, of all other species on board the vessel.~~

D. C. From January 1, 2005, to December 31, 2005, it shall be unlawful for any person permitted for the bycatch fishery to possess aboard a vessel, or to land in Virginia, in any one day, more than 200 pounds of black sea bass, except that any person permitted in the bycatch fishery may possess aboard a vessel, or land in Virginia, more than 200 pounds of black sea bass, in any one day, provided the total weight of black sea bass on board the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Loligo squid and Atlantic mackerel on board the vessel. When it is projected and announced that 85% of the bycatch fishery quota has been taken, it shall be unlawful for any person permitted for the bycatch fishery to possess aboard a vessel, or to land in Virginia, more than 200 pounds of black sea bass, except that any person permitted in the bycatch fishery may possess aboard a vessel, or land in Virginia, more than 200 pounds of black sea bass, in any one day, but not more than 1,000 pounds, provided the total weight of black sea bass aboard the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Loligo squid and Atlantic mackerel on board the vessel.

E. D. It shall be unlawful for any person to transfer black sea bass from one vessel to another while at sea.

F. E. Any person who is the owner of more than one vessel on December 17, 2002, that qualifies for a directed commercial fishery black sea bass permit, may combine the vessels' individual fishery quotas onto one of the vessels. Such declaration to combine quotas shall be made prior to the start of the fishing season.

G. F. The commission sets aside 17,000 pounds of the annual commercial fishery black sea bass quota for distribution to all qualified applicants granted an exception by the commission from the requirements of 4 VAC 20-950-46 B based upon medical conditions, *or other hardship*, which limited the applicant's ability to fish for black sea bass during the qualifying period. *In granting an exception, the commission will give preference to those applicants who can demonstrate the greater levels of participation in the black sea bass fishery during and after the qualifying period or document an apprenticeship or helper status in the black sea bass fishery. Any applicant who is granted an exception by the commission*



shall receive a portion of the 17,000 pounds; however, no portion shall exceed the lowest individual fishery quota, in pounds, at the beginning of the season. There shall be no transfer of quota received by applicants to the exception process for a period of five years after receipt of that quota. Any portion of the 17,000 pounds not allotted by the commission to the qualified applicants as of November 1, shall be added to the annual bycatch quota described in 4 VAC 20-950-47 B.

VA.R. Doc. No. R05-125; Filed February 2, 2005, 3:00 p.m.

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

**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 Board of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 12 VAC 5-590. Waterworks Regulations (amending 12 VAC 5-590-10, 12 VAC 5-590-370, 12 VAC 5-590-410, 12 VAC 5-590-420, 12 VAC 5-590-500, 12 VAC 5-590-530, 12 VAC 5-590-540 and 12 VAC 5-590-550; Appendices L, M, and O).

**Statutory Authority:** §§ 32.1-12 and 32.1-170 of the Code of Virginia.

**Effective Date:** April 6, 2005.

**Agency Contact:** Linda L. Jackson, Regulatory Compliance Paralegal, Department of Health, 109 Governor Street, Room 632, Richmond, VA 23219, telephone (804) 864-7499, FAX (804) 864-7521 or e-mail lindal.jackson@vdh.virginia.gov.

**Summary:**

*The amendments implement the Long Term 1 Enhanced Surface Water Treatment Rule (January 14, 2002) as set forth in 40 CFR Part 141, National Primary Drinking Water Regulations by adding (i) new definitions; (ii) new requirements for monitoring and testing; (iii) new requirements for determining compliance; (iv) new treatment technique requirements; (v) requirements to waterworks that use chlorine as a disinfectant; (vi) reporting, public notification and recordkeeping requirements; (vii) data on the determination of CT; and (viii) consumer confidence report and public notification requirements. The amendments also correct technical errors in Appendix M.*

**12 VAC 5-590-10. Definitions.**

As used in this chapter, the following words and terms shall have meanings respectively set forth unless the context clearly requires a different meaning:

"Action level" means the concentration of lead or copper in water specified in 12 VAC 5-590-410 E, which determines, in some cases, the treatment requirements contained in 12 VAC 5-590-420 C, D, E and F that a waterworks is required to complete.

"Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.

"Annual daily water demand" means the average rate of daily water usage over at least the most recent three-year period.

"Applied water" means water that is ready for filtration.

"Approved" means material, equipment, workmanship, process or method that has been accepted by the division as suitable for the proposed use.

"Auxiliary water system" means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

"Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution piping of a waterworks from any source or sources other than its intended source.

"Backflow prevention device" means any approved device, method, or type of construction intended to prevent backflow into a waterworks.

"Best available technology (BAT)" means the best technology, treatment techniques, or other means which the commissioner finds, after examination for efficacy under field conditions and not solely under laboratory conditions and in conformance with applicable EPA regulations, are available (taking cost into consideration).

"Board" means the State Board of Health.

"Breakpoint chlorination" means the addition of chlorine to water until the chlorine demand has been satisfied and further additions result in a residual that is directly proportional to the amount added.

"Chlorine" means dry chlorine.

"Chlorine gas" means dry chlorine in the gaseous state.

"Chlorine solution (chlorine water)" means a solution of chlorine in water. Note: the term chlorine solution is sometimes used to describe hypochlorite solutions. This use of the term is incorrect.

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

"Coliform bacteria group" means a group of bacteria predominantly inhabiting the intestines of man or animal but also occasionally found elsewhere. It includes all aerobic and facultative anaerobic, gram-negative, non-sporeforming bacilli that ferment lactose with production of gas. Also included are

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all bacteria that produce a dark, purplish-green colony with metallic sheen by the membrane filter technique used for coliform identification.

"Commissioner" means the State Health Commissioner.

"Community water system" means a waterworks which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Compliance cycle" means the nine-year calendar year cycle during which a waterworks must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

"Comprehensive performance evaluation" (CPE) is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operational and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with 12 VAC 5-590-530 C 1 b (2) (4), the comprehensive performance evaluation must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

"Consecutive waterworks" means a waterworks which has no water production or source facility of its own and which obtains all of its water from another permitted waterworks.

"Consumer" means any person who drinks water from a waterworks.

"Consumer's water system" means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

"Contaminant" means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials,

especially lead and copper, by forming a protective film on the interior surface of those materials.

"Cross connection" means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

"CT" or "CTcalc" means the product of "residual disinfectant concentration" (C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes, i.e., "C" x "T."

"Daily fluid intake" means the daily intake of water for drinking and culinary use and is defined as two liters.

"Dechlorination" means the partial or complete reduction of residual chlorine in water by any chemical or physical process at a waterworks with a treatment facility.

"Degree of hazard" means the level of health hazard, as derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which (i) a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (ii) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"Disinfectant" means any oxidant (including chlorine) that is added to water in any part of the treatment or distribution process for the purpose of killing or deactivating pathogenic organisms.

"Disinfectant contact time" ("T" in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application to the point where residual disinfectant concentration ("C") is measured.

"Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"Disinfection profile" means a summary of ~~daily~~ Giardia lamblia or virus inactivation through the treatment plant.

"Distribution main" means a water main whose primary purpose is to provide treated water to service connections.

~~"Division" means the Commonwealth of Virginia, Department of Health, Division of Drinking Water.~~

"Domestic or other nondistribution system plumbing problem" means a coliform contamination problem in a waterworks with more than one service connection that is limited to the specific service connection from which the coliform positive sample was taken.

"Domestic use or usage" means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"Double gate-double check valve assembly" means an approved assembly composed of two single independently acting check valves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

"Effective corrosion inhibitor residual," for the purpose of 12 VAC 5-590-420 C 1 only, means a concentration sufficient to form a passivating film on the interior walls of a pipe.

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

"Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

"Entry point" means the place where water from the source after application of any treatment is delivered to the distribution system.

"Equivalent residential connection" means a volume of water used equal to a residential connection which is 400 gallons per day unless supportive data indicates otherwise.

"Exception" means an approved deviation from a "shall" criteria contained in Part III (12 VAC 5-590-640 et seq.) of this chapter.

"Exemption" means a conditional waiver of a specific PMCL or treatment technique requirement which is granted to a specific waterworks for a limited period of time.

"Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

"First draw sample" means a one-liter sample of tap water, collected in accordance with 12 VAC 5-590-370 B 6 a (2), that has been standing in plumbing pipes at least six hours and is collected without flushing the tap.

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

"Free available chlorine" means that portion of the total residual chlorine remaining in water at the end of a specified contact period which will react chemically and biologically as hypochlorous acid or hypochlorite ion.

"GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

"Governmental entity" means the Commonwealth, a town, city, county, service authority, sanitary district or any other governmental body established under the Code of Virginia, including departments, divisions, boards or commissions.

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

"Groundwater" means all water obtained from sources not classified as surface water (or surface water sources).

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*, or *Cryptosporidium*. It also means significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH that closely correlate to climatological or surface water conditions. ~~The pathogen, *Cryptosporidium*, applies to all waterworks that use surface water or groundwater under the direct influence of surface water serving at least 10,000 people.~~ The division office in accordance with 12 VAC 5-590-430 will determine direct influence of surface water.

"Haloacetic acids (five)" or "(HAA5)" means the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

"Halogen" means one of the chemical elements chlorine, bromine, fluorine, astatine or iodine.

"Health hazard" means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

"Health regulations" means regulations which include all primary maximum contaminant levels, treatment technique requirements, and all operational regulations, the violation of which would jeopardize the public health.

"Hypochlorite" means a solution of water and some form of chlorine, usually sodium hypochlorite.

"Initial compliance period" means for all regulated contaminants, the initial compliance period is the first full three-year compliance period beginning at least 18 months after promulgation with the exception of waterworks with 150 or more service connections for contaminants listed at Table 2.3, VOC 19-21; Table 2.3, SOC 19-33; and antimony, beryllium, cyanide (as free cyanide), nickel, and thallium which shall begin January 1993.

"Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.

"Karstian geology" means an area predominantly underlain by limestone, dolomite, or gypsum and characterized by rapid underground drainage. Such areas often feature sinkholes, caverns, and sinking or disappearing creeks. In Virginia, this generally includes all that area west of the Blue Ridge and, in Southwest Virginia, east of the Cumberland Plateau.

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"Large waterworks," for the purposes of 12 VAC 5-590-370 B 6, 12 VAC 5-590-420 C through F, 12 VAC 5-590-530 D, and 12 VAC 5-590-550 D only, means a waterworks that serves more than 50,000 persons.

"Lead free" when used with respect to solders and flux refers to solders and flux containing not more than 0.2% lead; when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0% lead; and, when used with respect to plumbing fittings and fixtures intended by the plumbing manufacture to dispense water for human ingestion refers to fittings and fixtures that are in compliance with standards established in accordance with 42 USC § 300g-6(e).

"Lead service line" means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

"Liquid chlorine" means a liquefied, compressed gas as shipped in commerce. Note: The term liquid chlorine is sometimes used to describe a hypochlorite solution often employed for swimming pool sanitation. This use of the term is incorrect.

"Log inactivation (log removal)" means that a 99% reduction is a 2-log inactivation; a 99.9% reduction is a 3-log inactivation; a 99.99% reduction is a 4-log inactivation.

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in the most current edition of "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," National Bureau of Standards Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum daily water demand" means the rate of water usage during the day of maximum water use.

"Maximum contaminant level (MCL)" means the maximum permissible level of a contaminant in water which is delivered to any user of a waterworks, except in the cases of turbidity and VOCs, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL), meaning based on health considerations or "secondary" (SMCL) meaning based on aesthetic considerations.

"Maximum residual disinfectant level (MRDL)" means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a waterworks is in compliance with the MRDL when the running annual average of monthly averages of

samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a waterworks is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in Table 2.12, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

"Maximum residual disinfectant level goal (MRDLG)" means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"Maximum total trihalomethane potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven days at a temperature of 25°C or above.

"Medium-size waterworks," for the purpose of 12 VAC 5-590-370 B 6, 12 VAC 5-590-420 C through F, 12 VAC 5-590-530, and 12 VAC 5-590-550 D only, means a waterworks that serves greater than 3,300 and less than or equal to 50,000 persons.

"Most probable number (MPN)" means that number of organisms per unit volume that, in accordance with statistical theory, would be more likely than any other number to yield the observed test result or that would yield the observed test result with the greatest frequency, expressed as density of organisms per 100 milliliters. Results are computed from the number of positive findings of coliform-group organisms resulting from multiple-portion decimal-dilution plantings.

"Noncommunity water system" means a waterworks that is not a community waterworks, but operates at least 60 days out of the year.

"Nonpotable water" means water not classified as pure water.

"Nontransient noncommunity water system (NTNC)" means a waterworks that is not a community waterworks and that regularly serves at least 25 of the same persons over six months out of the year.

"Office" means the Commonwealth of Virginia, Department of Health, Office of Drinking Water.

"One hundred year flood level" means the flood elevation which will, over a long period of time, be equaled or exceeded on the average once every 100 years.

"Operator" means any individual employed or appointed by any owner, and who is designated by such owner to be the person in responsible charge, such as a supervisor, a shift

operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks operations. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks.

"Optimal corrosion control treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the waterworks to violate any other section of this chapter.

"Owner" or "water purveyor" means an individual, group of individuals, partnership, firm, association, institution, corporation, governmental entity, or the federal government which supplies or proposes to supply water to any person within this state from or by means of any waterworks (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Point of disinfectant application" means the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

"Point-of-entry treatment device (POE)" means a treatment device applied to the water entering a house or building for the purpose of reducing contaminants in the water distributed throughout the house or building.

"Point-of-use treatment device (POU)" means a treatment device applied to a single tap for the purpose of reducing contaminants in the water at that one tap.

"Pollution" means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

"Pollution hazard" means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

"Post-chlorination" means the application of chlorine to water subsequent to treatment.

"Practical quantitation level (PQL)" means the lowest level achievable by good laboratories within specified limits during routine laboratory operating conditions.

"Prechlorination" means the application of chlorine to water prior to filtration.

"Process fluids" means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

1. Polluted or contaminated water;
2. Process waters;
3. Used waters, originating from the waterworks which may have deteriorated in sanitary quality;

4. Cooling waters;

5. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;

6. Chemicals in solution or suspension; and

7. Oils, gases, acids, alkalis, and other liquid and gaseous fluid used in industrial or other processes, or for fire fighting purposes.

"Pure water" or "potable water" means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"Raw water main" means a water main which conveys untreated water from a source to a treatment facility.

"Reduced pressure principle backflow prevention device (RPZ device)" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.

"REM" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem" (MREM) is 1/1000 of a REM.

"Repeat compliance period" means any subsequent compliance period after the initial compliance period.

"Residual disinfectant concentration ("C" in CT Calculations)" means the concentration of disinfectant measured in mg/L in a representative sample of water.

"Responsible charge" means designation by the owner of any individual to have duty and authority to operate or modify the operation of waterworks processes.

"Sanitary facilities" means piping and fixtures, such as sinks, lavatories, showers, and toilets, supplied with potable water and drained by wastewater piping.

"Sanitary survey" means an investigation of any condition that may affect public health.

"Secondary water source" means any approved water source, other than a waterworks' primary source, connected to or available to that waterworks for emergency or other nonregular use.

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

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"Service connection" means the point of delivery of water to a customer's building service line as follows:

1. If a meter is installed, the service connection is the downstream side of the meter;
2. If a meter is not installed, the service connection is the point of connection to the waterworks;
3. When the water purveyor is also the building owner, the service connection is the entry point to the building.

"Service line sample" means a one-liter sample of water, collected in accordance with 12 VAC 5-590-370 B 6 a (2) (c), that has been standing for at least six hours in a service line.

"Sewer" means any pipe or conduit used to convey sewage or industrial waste streams.

"Single family structure," for the purpose of 12 VAC 5-590-370 B 6 (a) only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h) resulting in substantial particulate removal by physical and biological mechanisms.

"Small waterworks," for the purpose of 12 VAC 5-590-370 B 6, 12 VAC 5-590-420 C through F, 12 VAC 5-590-530 D and 12 VAC 5-590-550 D only, means a waterworks that serves 3,300 persons or fewer.

"Standard sample" means that portion of finished drinking water that is examined for the presence of coliform bacteria.

"Surface water" means all water open to the atmosphere and subject to surface runoff.

"SUVA" means specific ultraviolet absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm ( $UV_{254}$ ) (in m-1) by its concentration of dissolved organic carbon (DOC) (in mg/L).

"Synthetic organic chemicals (SOC)" means one of the family of organic man-made compounds generally utilized for agriculture or industrial purposes.

"System hazard" means a condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

"Terminal reservoir" means an impoundment providing end storage of water prior to treatment.

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"Total effective storage volume" means the volume available to store water in distribution reservoirs measured as the difference between the reservoir's overflow elevation and the minimum storage elevation. The minimum storage elevation is that elevation of water in the reservoir that can provide a minimum pressure of 20 psi at a flow as determined in 12

VAC 5-590-690 C to the highest elevation served within that reservoir's service area under systemwide maximum daily water demand.

"Total organic carbon" (TOC) means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Total trihalomethanes (TTHM)" means the sum of the concentrations of the trihalomethanes expressed in milligrams per liter (mg/L) and rounded to two significant figures. For the purpose of these regulations, the TTHM's shall mean trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, and tribromomethane (bromoform).

"Transmission main" means a water main whose primary purpose is to move significant quantities of treated water among service areas.

"Treatment technique requirement" means a requirement which specifies for a contaminant a specific treatment technique(s) demonstrated to the satisfaction of the division to lead to a reduction in the level of such contaminant sufficient to comply with these regulations.

"Trihalomethane (THM)" means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

"Uncovered finished water storage facility" is a tank, reservoir, or other facility used to store water that will undergo no further treatment (except residual disinfection) and is open to the atmosphere.

"Unregulated contaminant (UC)" means a contaminant for which a monitoring requirement has been established, but for which no MCL or treatment technique requirement has been established.

"Used water" means any water supplied by a water purveyor from the waterworks to a consumer's water system after it has passed through the service connection.

"Virus" means a virus of fecal origin which is infectious to humans by waterborne transmission.

"Variance" means a conditional waiver of a specific regulation which is granted to a specific waterworks. A PMCL Variance is a variance to a Primary Maximum Contaminant Level, or a treatment technique requirement. An Operational Variance is a variance to an operational regulation or a Secondary Maximum Contaminant Level. Variances for monitoring, reporting and public notification requirements will not be granted.

"Volatile synthetic organic chemical (VOC)" means one of the family of manmade organic compounds generally characterized by low molecular weight and rapid vaporization at relatively low temperatures or pressures.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a waterworks

which is deficient in treatment, as determined by the commissioner or the State Epidemiologist.

"Water purveyor" (same as owner).

"Water supply" means water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface waters (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"Water supply main" or "main" means any water supply pipeline that is part of a waterworks distribution system.

"Water Well Completion Report" means a report form published by the State Water Control Board entitled "Water Well Completion Report" which requests specific information pertaining to the ownership, driller, location, geological formations penetrated, water quantity and quality encountered as well as construction of water wells. The form is to be completed by the well driller.

"Waterworks" means a system that serves piped water for drinking or domestic use to (i) the public, (ii) at least 15 connections, or (iii) an average of 25 individuals for at least 60 days out of the year. The term "waterworks" shall include all structures, equipment and appurtenances used in the storage, collection, purification, treatment and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"Waterworks with a single service connection" means a waterworks which supplies drinking water to consumers via a single service line.

**12 VAC 5-590-370. Sampling frequency.**

The commissioner may exempt consecutive waterworks that obtain potable water from another water system for distribution from all monitoring requirements in this section except for bacteriological (subsection A of this section), disinfectant residuals, byproducts and disinfection byproduct precursors (subdivision B 3 of this section), and lead and copper (subdivision B 6 of this section). The required sampling frequencies are as follows:

**A. Bacteriological.**

1. The waterworks owner shall collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting report. The report shall be established or approved by the division after investigation of the source, method of treatment and storage, and protection of the water concerned. The report must include, but is not limited to, the following:

- a. The frequency of sampling distributed evenly throughout the month/quarter.
- b. Distribution map showing the generalized location where specific sampling sites will be selected.
- c. Supporting statement explaining how specific individual sites are selected, how sampling will be rotated among

the sites, how repeat samples will be collected and other information demonstrating that sampling will be conducted in a manner to comply with this chapter.

d. Adequate sampling points to provide sampling representative of all the conditions in the system.

e. For small systems (less than 3,301 population), sample sites must also be identified by address and code number location.

f. Minimum of three sample locations for each sample required monthly so repeat sample locations are previously ascertained as being adequate in number and five customer service connections upstream and downstream. (See Appendix J for an example.)

g. The sampling point required to be repeat sampled shall not be eliminated from future collections based on a history of questionable water quality unless the sampling point is unacceptable as determined by the division.

2. The minimum number of bacteriological samples for total coliform evaluation to be collected and analyzed monthly from the distribution system of a community or nontransient noncommunity waterworks shall be in accordance with Table 2.1. All noncommunity waterworks that use a surface water source or a groundwater source under the direct influence of surface water, and all large noncommunity (serving 1,000 or more persons per day) waterworks, shall collect and submit samples monthly for analysis in accordance with Table 2.1. All other noncommunity waterworks shall submit samples for analysis each calendar quarter in accordance with Table 2.1.

3. The samples shall be taken at reasonably evenly spaced time intervals throughout the month or quarter.

If the results of a sanitary survey or other factors determine that some other frequency is more appropriate than that stated above, a modified sampling program report may be required. The altered frequency shall be confirmed or changed on the basis of subsequent surveys.

TABLE 2.1.

POPULATION SERVED PER DAY	MINIMUM NUMBER OF SAMPLES (See 12 VAC 5-590-370 A 2)
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50

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50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390

4. All bacteriological analyses shall be performed in accordance with 12 VAC 5-590-440 by the DCLS or by a laboratory certified by DCLS for drinking water samples.

B. Chemical. The location of sampling points, the chemicals measured, the frequency, and the timing of sampling within each compliance period shall be established or approved by the commissioner. The commissioner may increase required monitoring where necessary to detect variations within the waterworks. Analysis of field composite samples shall not be allowed. Samples for contaminants that may exhibit seasonal variations shall be collected during the period of the year when contamination is most likely to occur. Failure to comply with the sampling schedules in this section will require public notification pursuant to 12 VAC 5-590-540.

1. Inorganic chemical. Community and nontransient noncommunity waterworks owners shall conduct monitoring to determine compliance with the MCLs in Table 2.2 in accordance with this section. All other noncommunity waterworks owners shall conduct monitoring to determine compliance with the nitrate and nitrite PMCLs in Table 2.2 (as appropriate) in accordance with this section. Monitoring shall be conducted as follows:

a. The owner of any groundwater source waterworks with 150 or more service connections shall take a minimum of one sample at each entry point to the distribution system which is representative of each source, after treatment, unless a change in condition makes another sampling point more representative of each source or treatment plant (hereafter called a sampling point) starting in the compliance period beginning January 1, 1993. The owner of any groundwater source waterworks with fewer than 150 service connections shall take a minimum of one sample at each sampling point for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite, and selenium in the compliance period beginning January 1, 1993, and for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium in the compliance period beginning January 1, 1996.

b. The owner of any waterworks which uses a surface water source in whole or in part with 150 or more service connections shall take a minimum of one sample at each entry point to the distribution system after any application of treatment or in the distribution system at a point which

is representative of each source, after treatment, unless a change in conditions makes another sampling point more representative of each source or treatment plant (hereafter called a sampling point) beginning January 1, 1993. The owner of any waterworks which use a surface water source in whole or in part with fewer than 150 service connections shall take a minimum of one sample at each sampling point for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite, and selenium beginning January 1, 1993, and for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium beginning January 1, 1996.

c. If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner shall sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

d. The frequency of monitoring for asbestos shall be in accordance with subdivision B 1 d (1) of this section; the frequency of monitoring for barium, cadmium, chromium, fluoride, mercury, and selenium shall be in accordance with subdivision B 1 d (2) of this section; the frequency of monitoring for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium shall be in accordance with subdivision B 1 d (3) of this section; the frequency of monitoring for nitrate shall be in accordance with subdivision B 1 d (4) of this section; the frequency of monitoring for nitrite shall be in accordance with subdivision B 1 d (5) of this section; and the frequency of monitoring for arsenic shall be in accordance with subdivision B 1 d (6) of this section.

(1) The frequency of monitoring conducted to determine compliance with the PMCL for asbestos specified in Table 2.2 shall be conducted as follows:

(a) The owner of each community and nontransient noncommunity waterworks is required to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle beginning in the compliance period starting January 1, 1993.

(b) If the waterworks owner believes the waterworks is not vulnerable to either asbestos contamination in its source water or due to corrosion of asbestos-cement pipe, or both, the owner may apply to the commissioner for a waiver of the monitoring requirement in subdivision B 1 d (1) (a) of this section. If the commissioner grants the waiver, the waterworks owner is not required to monitor.

(c) The commissioner may grant a waiver based on a consideration of the following factors:

(i) Potential asbestos contamination of the water source; and

(ii) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.



(d) A waiver remains in effect until the completion of the three-year compliance period. Waterworks not receiving a waiver shall monitor in accordance with the provisions of subdivision B 1 d (1) (a) of this section.

(e) The owner of a waterworks vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(f) The owner of a waterworks vulnerable to asbestos contamination due solely to source water shall monitor sampling points in accordance with subdivision B 1 of this section.

(g) The owner of a waterworks vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(h) The owner of a waterworks which exceeds the PMCL as determined in 12 VAC 5-590-410 B 1 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequency specified in subdivision B 1 d (1) (a) of this section provided the commissioner has determined that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(j) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of subdivision B 1 d (1) of this section, then the commissioner may allow waterworks owner to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.

(2) The frequency of monitoring conducted to determine compliance with the MCLs in Table 2.2 for barium, cadmium, chromium, fluoride, mercury, and selenium shall be as follows:

(a) The owner of a groundwater source waterworks shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993.

(b) The owner of a waterworks which uses a surface water source in whole or in part shall take one sample annually at each sampling point beginning January 1, 1993.

(c) A waterworks owner may apply to the commissioner for a waiver from the monitoring

frequencies specified in subdivision B 1 d (2) (a) or (b) of this section.

(d) A condition of the waiver shall require that the waterworks owner shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(e) The commissioner may grant a waiver provided the owner of a waterworks which uses a surface water source in whole or in part has monitored annually for at least three years and groundwater waterworks have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) The owner of any waterworks which uses a surface water source in whole or in part or a groundwater source waterworks shall demonstrate that all previous analytical results were less than the PMCL. Waterworks that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.

(f) In determining the appropriate reduced monitoring frequency, the commissioner shall consider:

(i) Reported concentrations from all previous monitoring;

(ii) The degree of variation in reported concentrations; and

(iii) Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the waterworks configuration, changes in the waterworks operating procedures, or changes in stream flows or characteristics.

(g) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The request for a waiver may be initiated by the commissioner or upon an application by the waterworks owner. The owner shall specify the basis for the request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the waterworks owner submits new monitoring data or when other data relevant to the waterworks appropriate monitoring frequency become available.

(h) Owners of waterworks which exceed the PMCLs as calculated in 12 VAC 5-590-410 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivision B 2 d (2) (a), (b) or (c) of this section provided a determination has been made that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly

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samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(3) The frequency of monitoring conducted to determine compliance with the PMCLs in Table 2.2 for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium shall be as follows:

(a) The owner of a groundwater source waterworks with 150 or more service connections shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993. The owner of a groundwater source waterworks with fewer than 150 service connections shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1996.

(b) The owner of a waterworks which uses a surface water source in whole or in part with 150 or more service connections shall take one sample annually at each sampling point beginning January 1, 1993. The owner of a waterworks which uses a surface water source in whole or in part with fewer than 150 service connections shall take one sample annually at each sampling point beginning January 1, 1996.

(c) A waterworks owner may apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision B 2 d (3) (a) or (b) of this section.

(d) A condition of the waiver shall require that the waterworks owner shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(e) The commissioner may grant a waiver provided the owner of a waterworks which uses a surface water source in whole or in part has monitored annually for at least three years and groundwater waterworks have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) The owner of any waterworks which uses a surface water source in whole or in part or a groundwater source waterworks shall demonstrate that all previous analytical results were less than the PMCL. Waterworks that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.

(f) In determining the appropriate reduced monitoring frequency, the commissioner shall consider:

- (i) Reported concentrations from all previous monitoring;
- (ii) The degree of variation in reported concentrations; and
- (iii) Other factors which may affect contaminant concentrations such as changes in groundwater

pumping rates, changes in the waterworks configuration, changes in the waterworks operating procedures, or changes in stream flows or characteristics.

(g) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The request for a waiver may be initiated by the commissioner or upon an application by the waterworks owner. The owner shall specify the basis for the request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the waterworks owner submits new monitoring data or when other data relevant to the waterworks appropriate monitoring frequency become available.

(h) Owners of waterworks which exceed the PMCLs as calculated in 12 VAC 5-590-410 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivision B 2 d (3) (a), (b) or (c) of this section provided a determination has been made that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(4) All community, nontransient noncommunity and noncommunity waterworks owners shall monitor to determine compliance with the PMCL for nitrate in Table 2.2.

(a) Owners of community and nontransient noncommunity waterworks which use a groundwater source shall monitor annually beginning January 1, 1993.

(b) Owners of community and nontransient noncommunity waterworks which use a surface water source in whole or in part shall monitor quarterly beginning January 1, 1993.

(c) For community and nontransient noncommunity waterworks which use groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is  $\geq 50\%$  of the PMCL. The commissioner may allow the owner of a waterworks, which uses groundwater, to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the PMCL.

(d) For community and nontransient noncommunity waterworks, the commissioner may allow the owner of a waterworks which uses a surface water source in whole or in part, to reduce the sampling frequency to

annually if all analytical results from four consecutive quarters are  $\leq 50\%$  of the PMCL. Such waterworks shall return to quarterly monitoring if any one sample is  $\geq 50\%$  of the PMCL.

(e) The owners of all other noncommunity waterworks shall monitor annually beginning January 1, 1993.

(f) After the initial round of quarterly sampling is completed, the owner of each community and nontransient noncommunity waterworks which is monitoring annually shall take subsequent samples during the quarter(s) which previously resulted in the highest analytical result.

(5) All community, nontransient noncommunity and noncommunity waterworks owners shall monitor to determine compliance with the PMCL for nitrite in Table 2.2.

(a) All waterworks owners shall take one sample at each sampling point in the compliance period beginning January 1, 1993.

(b) After the initial sample, the owner of any waterworks where an analytical result for nitrite is  $\leq 50\%$  of the PMCL shall monitor at the frequency specified by the commissioner.

(c) The repeat monitoring frequency for any waterworks owner shall be quarterly for at least one year following any one sample in which the concentration is  $\geq 50\%$  of the PMCL. The commissioner may allow a waterworks owner to reduce the sampling frequency to annually after determining the analysis results are reliably and consistently less than the PMCL.

(d) Owners of waterworks which are monitoring annually shall take each subsequent sample during the quarter(s) which previously resulted in the highest analytical result.

(6) The frequency of monitoring conducted to determine compliance with the PMCLs in Table 2.2 for arsenic shall be as follows:

(a) The owner of each community waterworks which use a surface water source in whole or in part shall take one sample annually at each sampling point beginning June 1, 1978.

(b) The owner of each community groundwater waterworks shall take one sample at each sampling point within a three year period starting June 1, 1979.

(c) Owners of waterworks which exceed the PMCL listed in Table 2.2 shall report to the commissioner within seven days and initiate three additional samples at the same sampling point within one month.

(d) For initial analyses required by subdivision B 1 d (6) (a) or (b) of this section, data for waterworks which use surface water source in whole or in part acquired within one year prior to the effective date for

arsenic monitoring and data for groundwater waterworks acquired within three years prior to the effective date for arsenic monitoring may be substituted at the discretion of the commissioner.

2. Organic chemicals. Owners of all community and nontransient noncommunity waterworks shall sample for organic chemicals in accordance with their water source. Where two or more sources are combined before distribution, the waterworks owner shall sample at the entry point for the combined sources during periods of normal operating conditions.

a. Owners of waterworks which use groundwater shall take a minimum of one sample at each entry point to the distribution system which is representative of each source, after treatment (hereafter called a sampling point).

b. Owners of waterworks which use a surface water source in whole or in part shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system, after treatment (hereafter called a sampling point).

c. The owner of each community and nontransient noncommunity waterworks shall take four consecutive quarterly samples for each contaminant listed in Table 2.3-VOC 2 through 21 and SOC during each compliance period, beginning in the compliance period starting January 1, 1993.

d. Reduced monitoring.

(1) VOC.

(a) If the initial monitoring for contaminants listed in Table 2.3-VOC 1 through 8 and the monitoring for the contaminants listed in Table 2.3-VOC 9 through 21 as allowed in subdivision B 2 d (1) (c) of this section has been completed by December 31, 1992, and the waterworks did not detect any contaminant listed in Table 2.3-VOC 1 through 21, then the owner of each groundwater waterworks and waterworks which use a surface water source in whole or in part shall take one sample annually beginning January 1, 1993.

(b) After a minimum of three years of annual sampling, the commissioner may allow the owner of a groundwater waterworks with no previous detection of any contaminant listed in Table 2.3-VOC 2 through 21 to take one sample during each compliance period.

(c) The commissioner may allow the use of monitoring data collected after January 1, 1988, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements in this section, the commissioner may use these data (i.e., a single sample rather than four quarterly samples) to satisfy the initial monitoring requirement of subdivision B 2 c of this section. Waterworks which use grandfathered samples and did not detect any contaminants listed in Table 2.3-VOC, 2 through

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21, shall begin monitoring annually in accordance with subdivision B 2 d (1) (a) of this section beginning January 1, 1993.

(2) SOC.

(a) Waterworks serving more than 3,300 persons which do not detect a contaminant listed in Table 2.3-SOC in the initial compliance period, may reduce the sampling frequency to a minimum of two quarterly samples in one year during each repeat compliance period.

(b) Waterworks serving less than or equal to 3,300 persons which do not detect a contaminant listed in Table 2.3-SOC in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.

e. Waiver application.

(1) For VOCs. The owner of any community and nontransient noncommunity groundwater waterworks which does not detect a contaminant listed in Table 2.3-VOC may apply to the commissioner for a waiver from the requirements of subdivisions B 2 d (1) (a) and (b) of this section after completing the initial monitoring. A waiver shall be effective for no more than six years (two compliance periods). The commissioner may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.

(2) For SOCs. The owner of any community and nontransient noncommunity waterworks may apply to the commissioner for a waiver from the requirement of subdivisions B 2 c and d (2) of this section. The waterworks owner shall reapply for a waiver for each compliance period.

f. A commissioner may grant a waiver after evaluating the following factors: Knowledge of previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone of influence of the source. If a determination by the commissioner reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.

(1) Previous analytical results.

(2) The proximity of the waterworks to a potential point or nonpoint source of contamination. Point sources include spills and leaks of chemicals at or near a waterworks or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Nonpoint sources for SOCs include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses.

(3) The environmental persistence and transport of the contaminants listed in Table 2.3 VOC and SOC.

(4) How well the water source is protected against contamination, such as whether it is a waterworks which uses a surface water source in whole or in part or whether it is a groundwater source waterworks. Groundwater source waterworks shall consider factors such as depth of the well, the type of soil, wellhead protection, and well structure integrity. Waterworks which use surface water in whole or in part shall consider watershed protection.

(5) Special factors.

(a) For VOCs. The number of persons served by the waterworks and the proximity of a smaller waterworks to a larger waterworks.

(b) For SOCs. Elevated nitrate levels at the waterworks supply source.

(c) For SOCs. Use of PCBs in equipment used in the production, storage, or distribution of water (i.e., PCBs used in pumps, transformers, etc.).

g. Condition for waivers.

(1) As a condition of the VOC waiver the owner of a groundwater waterworks shall take one sample at each sampling point during the time the waiver is effective (i.e., one sample during two compliance periods or six years) and update its vulnerability assessment considering the factors listed in subdivision B 2 f of this section. Based on this vulnerability assessment the commissioner shall reconfirm that the waterworks owner is nonvulnerable. If the commissioner does not make this reconfirmation within three years of the initial determination, then the waiver is invalidated and the waterworks is required to sample annually as specified in subdivision B 2 d (1) (a) of this section.

(2) The owner of any community and nontransient noncommunity waterworks which use surface water in whole or in part which does not detect a contaminant listed in Table 2.3-VOC may apply to the commissioner for a waiver from the requirements of subdivision B 2 d (1) (a) of this section after completing the initial monitoring. Waterworks meeting this criteria shall be determined by the commissioner to be nonvulnerable based on a vulnerability assessment during each compliance period. Each waterworks receiving a waiver shall sample at the frequency specified by the commissioner (if any).

(3) There are no conditions to SOC waivers.

h. If a contaminant listed in Table 2.3-VOC 2 through 21 or SOC 1 through 33 is detected then (NOTE: Detection occurs when a contaminant level exceeds the current detection limit as defined by EPA.):

(1) Each waterworks owner shall monitor quarterly at each sampling point which resulted in a detection.

(2) The commissioner may decrease the quarterly monitoring requirement specified in subdivision B 2 h (1) of this section provided it has determined that the waterworks is reliably and consistently below the

PMCL. In no case shall the commissioner make this determination unless a groundwater waterworks takes a minimum of two quarterly samples and a waterworks which use surface water in whole or in part takes a minimum of four quarterly samples.

(3) If the commissioner determines that the waterworks is reliably and consistently below the PMCL, the commissioner may allow the waterworks to monitor annually. Waterworks which monitor annually shall monitor during the quarter(s) which previously yielded the highest analytical result.

(4) Waterworks which have three consecutive annual samples with no detection of a contaminant may apply to the commissioner for a waiver for VOC as specified in subdivision B 2 e (1) or to SOC as specified in subdivision B 2 e (2) of this section.

(5) Subsequent monitoring due to contaminant detection.

(a) Groundwater waterworks which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the commissioner may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Waterworks which use surface water in whole or in part are required to monitor for vinyl chloride as specified by the commissioner.

(b) If monitoring results in detection of one or more of certain related contaminants (heptachlor and heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.

i. Waterworks which violate the requirements of Table 2.3 for VOCs or SOCs, as determined by 12 VAC 5-590-410 C, shall monitor quarterly. After a minimum of four consecutive quarterly samples which show the waterworks is in compliance as specified in 12 VAC 5-590-410 C and the commissioner determines that the waterworks is reliably and consistently below the PMCL, the waterworks may monitor at the frequency and time specified in subdivision B 2 h (3) of this section.

3. Disinfectant residuals, disinfection byproducts and disinfection byproduct precursors.

a. ~~The requirements in subdivisions B 3 a (1) through (10) (e) of this section apply to community or nontransient noncommunity waterworks that use a surface water or a groundwater under the direct influence of surface water and serve a population of 10,000 or more until December 31, 2001. The requirements in subdivisions B 3 a (1) through (10) (e) of this section apply to community waterworks that use only groundwater not under the~~

~~direct influence of surface water that add a disinfectant (oxidant) in any part of the treatment process and serve a population of 10,000 or more until December 31, 2003. After December 31, 2003, subdivisions B 3 a (1) through (10) (e) of this section are no longer applicable.~~

~~(1) Samples for TTHM analyses shall be collected quarterly from all community and nontransient noncommunity waterworks which disinfect and serve 10,000 or more individuals. At least four samples for each treatment plant used by the waterworks must be collected using the following criteria: at least 25% of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75% shall be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. Sample locations shall be approved by the commissioner.~~

~~(2) Community and nontransient noncommunity waterworks utilizing surface water in whole or in part, may, upon written request, have the monitoring frequency reduced by the division to a minimum of one sample per quarter taken at a point of maximum residence time of the water in the distribution system. The division must make a written determination that data from at least one year of monitoring and local conditions indicate that TTHM concentrations will be consistently below the PMCL.~~

~~If at any time in the reduced monitoring program the results from any analysis exceed the PMCL for TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the waterworks makes any significant change to its source of water or treatment program, the waterworks shall immediately begin monitoring in accordance with subdivision B 3 of this section. Routine monitoring must continue for at least one year before a reduced monitoring frequency can be implemented again.~~

~~(3) Community and nontransient noncommunity waterworks utilizing groundwaters only may, upon written request, have the monitoring frequency reduced to a minimum of one sample per year for TTHM. This sample shall be collected at a point in the distribution system reflecting the maximum residence time of the water. The division must make a written determination that the data indicates the system has a TTHM concentration of less than the PMCL and local conditions indicate that TTHM concentrations will be consistently below the PMCL.~~

~~If at any time in the reduced monitoring program the results from any TTHM exceed or equal the PMCL and such results are confirmed by at least one check sample taken promptly after such results are received, the waterworks shall immediately begin monitoring in accordance with subdivision B 3 of this section. Routine monitoring must continue for at least one year before a reduced monitoring frequency can be implemented again.~~

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~~If any significant change occurs in the raw water or if the waterworks treatment process is altered, an additional sample for TTHM shall be analyzed immediately to determine whether the waterworks must comply with the monitoring requirements of subdivision B 3 of this section. The sample shall be collected at a point in the distribution system reflecting the maximum residence time of the water.~~

~~(4) Nothing shall prevent the division from requiring additional samples for TTHM or MTP analysis when conditions warrant.~~

~~(5) Nothing shall prevent the TTHM regulations from being applicable to waterworks serving less than 10,000 individuals when in the determination of the division, public health will be better served.~~

~~(6) With prior approval of the division, waterworks which utilize multiple wells from a common aquifer may consider these multiple sources as one treatment plant for determining the minimum number of samples to be collected for TTHM analysis.~~

~~(7) All samples for TTHM or MTP taken within an established frequency shall be collected within a 24-hour period.~~

~~(8) The results of all analyses per quarter shall be arithmetically averaged and reported to the division within 30 days of the owner's receipt of the results (when samples are not analyzed by the state). All samples collected shall be used in the computation of the average unless the results are invalidated for technical reasons.~~

~~(9) Analysis shall be conducted in accordance with 12 VAC 5-590-440.~~

~~(10) Before any modification to a waterworks is undertaken for the purposes of complying with this section, approval must be obtained in accordance with 12 VAC 5-590-200. In addition, the following information, as a minimum, may be required from the owner:~~

~~(a) An evaluation of the waterworks for sanitary defects and an evaluation of the source water for biological quality;~~

~~(b) Evaluation of existing treatment practices and indication of how proposed improvements will minimize disinfectant demand and optimize finished water quality;~~

~~(c) Provision of results of a baseline water quality survey. Parameters monitored should include coliform, fecal coliform, fecal streptococci, heterotrophic plate counts at 20°C and 35°C, phosphate, ammonia nitrogen and TOC. Virus studies may be necessary as determined by the division;~~

~~(d) Performance of additional monitoring to assure continued maintenance of optimal biological quality in the finished water;~~

~~(e) Consideration of a plan to maintain an active disinfectant residual throughout the distribution system at all times during and after proposed modifications.~~

~~b. a. Unless otherwise noted, all waterworks that use a chemical disinfectant must comply with the requirements of this section as follows:~~

~~(1) Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water and serving 10,000 or more persons, must comply with this section beginning January 1, 2002.~~

~~(2) Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water serving fewer than 10,000 persons and waterworks using only groundwater not under the direct influence of surface water must comply with this section beginning January 1, 2004.~~

~~(3) Transient noncommunity waterworks which use surface water or groundwater under the direct influence of surface water and serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this section beginning January 1, 2002.~~

~~(4) Transient noncommunity waterworks which use surface water or groundwater under the direct influence of surface water serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and waterworks using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this section beginning January 1, 2004.~~

~~e. b. Waterworks must take all samples during normal operating conditions.~~

~~(1) Analysis under this section for disinfection byproducts (TTHM, HAA5, *chlorite* and bromate) must be conducted by a laboratory that has received certification by EPA or the state *except as noted in subdivision B 3 b (2) of this section.*~~

~~(2) Measurement under this section of daily chlorite samples at the entry point to the distribution system, disinfection residuals (free chlorine, combined chlorine, total chlorine and chlorine dioxide), alkalinity, bromide, TOC, SUVA (DOC and UV<sub>254</sub>), and pH must be made by a party approved by the commissioner.~~

~~(3) DPD colorimetric test kits may be used to measure residual disinfectant concentrations for chlorine, chloramines and chlorine dioxide.~~

~~d. c. Failure to monitor in accordance with the monitoring plan required under subdivision B 3 k j of this section is a monitoring violation. Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and~~

the waterworks' failure to monitor makes it impossible to determine compliance with PMCLs or MRDLs.

**d.** Waterworks may use only data collected under the provisions of this section or the US EPA Information Collection Rule, 40 CFR *Part* 141 Subpart M, Information Collection Requirements (ICR) for Public Water Systems, to qualify for reduced monitoring.

**e.** TTHM/HAA5 monitoring. Community or nontransient noncommunity waterworks must monitor TTHM and HAA5 at the frequency indicated below:

(1) Routine monitoring requirements.

(a) Waterworks using surface water or groundwater under the direct influence of surface water and serving at least 10,000 persons must collect four water samples per quarter per treatment plant. At least 25% of all samples collected each quarter must be at locations representing maximum residence time in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system and representative of the entire distribution system. When setting the sample locations the waterworks must take into account number of persons served, different sources of water, and different treatment methods.

(b) Waterworks using surface water or groundwater under the direct influence of surface water and serving from 500 to 9,999 persons must collect one sample per quarter per treatment plant. The sample location must represent maximum residence time in the distribution system.

(c) Waterworks using surface water or groundwater under the direct influence of surface water and serving fewer than 500 persons must collect one sample per year per treatment plant during the month of warmest water temperature. The sample location must represent maximum residence time in the distribution system. If the sample (or average of annual samples, if more than one sample is taken) exceeds PMCL in Table 2.13, the waterworks must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until waterworks meets reduced monitoring criteria.

(d) Waterworks using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons must collect one sample per quarter per treatment plant. The sample location must represent maximum residence time in the distribution system.

(e) Waterworks using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons must collect one sample per year per treatment plant during the month of warmest water temperature. The sample location must represent maximum residence time in the distribution system. If the sample (or

average of annual samples, if more than one sample is taken) exceeds PMCL in Table 2.13, the waterworks must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the waterworks meets the criteria for reduced monitoring found in subdivision B 3 **f** **e** (4) of this section.

(f) If a waterworks elects to sample more frequently than the minimum required, at least 25% of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

(g) With prior approval of the commissioner, waterworks that utilize multiple wells from a common aquifer may consider these multiple sources as one treatment plant for determining the minimum number of samples to be collected for TTHM and HAA5 analysis.

(2) After one year of routine monitoring a waterworks may reduce monitoring, except as otherwise provided, as follows:

(a) Waterworks using surface water or groundwater under the direct influence of surface water and serving at least 10,000 persons that has a source water annual average TOC level, before any treatment, of equal to or less than 4.0 mg/L and a TTHM annual average equal to or less than 0.040 mg/L and HAA5 annual average equal to or less than 0.030 mg/L may reduce its monitoring to one sample per treatment plant per quarter at a distribution system location reflecting maximum residence time.

(b) Waterworks using surface water or groundwater under the direct influence of surface water serving from 500 to 9,999 persons that has a source water annual average TOC level, before any treatment, equal to or less than 4.0 mg/L and a TTHM annual average equal to or less than 0.040 mg/L and HAA5 annual average equal to or less than 0.030 mg/L may reduce its monitoring to one sample per treatment plant per year at a distribution system location reflecting maximum residence time during the month of warmest water temperature.

(c) Waterworks using only groundwater not under the direct influence of surface water, using chemical disinfectant and serving at least 10,000 persons that has a TTHM annual average of equal to or less than 0.040 mg/L and HAA5 annual average of equal to or less than 0.030 mg/L may reduce its monitoring to one sample per treatment plant per year at a distribution system location reflecting maximum residence time during the month of warmest water temperature.

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(d) Waterworks using only groundwater not under the direct influence of surface water, using chemical disinfectant and serving fewer than 10,000 persons that has a TTHM annual average equal to or less than 0.040 mg/L and HAA5 annual average equal to or less than 0.030 mg/L for two consecutive years or TTHM annual average equal to or less than 0.020 mg/L and HAA5 annual average of equal to or less than 0.015 mg/L for one year may reduce its monitoring to one sample per treatment plant per three-year monitoring cycle at a distribution system location reflecting maximum residence time during the month of warmest water temperature, with the three-year cycle beginning on January 1 following the quarter in which the system qualifies for reduced monitoring.

(e) Waterworks using surface water or groundwater under the direct influence of surface water serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.

(3) Waterworks on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for waterworks that must monitor quarterly) or the result of the sample (for waterworks that must monitor no more frequently than annually) is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Waterworks that do not meet these levels must resume monitoring at the frequency identified in subdivision B 3 f e (1) of this section in the quarter immediately following the quarter in which the waterworks exceeds 0.060 mg/L or 0.045 mg/L for TTHMs or HAA5, respectively. For waterworks using only groundwater not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHMs annual average is greater than 0.080 mg/L or the HAA5 annual average is greater than 0.060 mg/L, the waterworks must go to increased monitoring identified in subdivision B 3 f e (1) of this section in the quarter immediately following the monitoring period in which the system exceeds 0.080 mg/L or 0.060 mg/L for TTHM or HAA5 respectively.

(4) Waterworks on increased monitoring may return to routine monitoring if, after at least one year of monitoring, their TTHM annual average is equal to or less than 0.060 mg/L and their HAA5 annual average is equal to or less than 0.045 mg/L.

(5) The commissioner may return a waterworks to routine monitoring at the commissioner's discretion.

~~g~~. f. Chlorite. Community and nontransient noncommunity waterworks using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

(1) Routine monitoring.

(a) Daily monitoring. Waterworks must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite PMCL

in Table 2.13, the waterworks must take additional samples in the distribution system the following day at the locations required by subdivision B 3 g f (1) (c) of this section, in addition to the sample required at the entrance to the distribution system.

(b) Monthly monitoring. Waterworks must take a three-sample set each month in the distribution system. The waterworks must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The waterworks may use the results of additional monitoring conducted under subdivision B 3 g f (1) (c) of this section to meet the requirement for monitoring in this paragraph.

(c) Additional monitoring requirements. On each day following a routine sample monitoring result that exceeds the chlorite PMCL in Table 2.13 at the entrance to the distribution system, the waterworks is required to take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(2) Reduced monitoring.

(a) Chlorite monitoring at the entrance to the distribution system required by subdivision B 3 g f (1) (a) of this section may not be reduced.

(b) Chlorite monitoring in the distribution system required by subdivision B 3 g f (1) (b) of this section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subdivision B 3 g f (1) (b) of this section has exceeded the chlorite PMCL in Table 2.13 and the waterworks has not been required to conduct monitoring under subdivision B 3 g f (1) (c) of this section. The waterworks may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subdivision B 3 g f (1) (b) of this section exceeds the chlorite PMCL or the waterworks is required to conduct monitoring under subdivision B 3 g f (1) (c) of this section, at which time the waterworks must revert to routine monitoring.

~~h~~. g. Bromate.

(1) Each community and nontransient noncommunity waterworks treatment plant using ozone, for disinfection or oxidation, must take one sample per month and analyze it for bromate. Waterworks must take samples monthly at the entrance to the distribution



system while the ozonation system is operating under normal conditions.

(2) Waterworks required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the waterworks demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one year. The waterworks may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than 0.05 mg/L, the waterworks must resume routine monitoring required by subdivision B 3 h (1) of this section.

(3) Bromide. Waterworks required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the waterworks demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly measurements for one year. The waterworks must continue bromide monitoring to remain on reduced bromate monitoring.

~~h~~ h. Monitoring requirements for disinfectant residuals.

(1) Chlorine and chloramines.

(a) Waterworks that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in ~~12 VAC 5-590-370 subsection A of this section~~. Waterworks that use surface water or groundwater under the direct influence of surface water may use the results of residual disinfectant concentration sampling found in ~~12 VAC 5-590-370 subdivision B 7 c (1) of this section~~ in lieu of taking separate samples.

(b) Residual disinfectant level monitoring may not be reduced.

(2) Chlorine dioxide.

(a) Waterworks that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL in Table 2.12, the waterworks must take samples in the distribution system the following day at the locations required by subdivision B 3 ~~h~~ (2) (b) of this section, in addition to the sample required at the entrance to the distribution system.

(b) On each day following a routine sample monitoring result that exceeds the MRDL in Table 2.12, the waterworks is required to take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in

the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the waterworks must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the waterworks must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(c) Chlorine dioxide monitoring may not be reduced.

~~j~~ i. Monitoring requirements for disinfection byproduct precursors (DBPP).

(1) Community or nontransient noncommunity waterworks using surface water or groundwater under the direct influence of surface water and using conventional filtration treatment (as defined in 12 VAC 5-590-10) must monitor each treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. All waterworks required to monitor under this subdivision (B 3 ~~j~~ i (1)) must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all waterworks must monitor for alkalinity in the source water prior to any treatment. Waterworks must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

(2) Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water with an average treated water TOC of less than 2.0 mg/L for two consecutive years, or less than 1.0 mg/L for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The waterworks must revert to routine monitoring in the month following the quarter when the annual average treated water TOC equal to or greater than 2.0 mg/L.

~~k~~ j. Each waterworks required to monitor under subdivision B 3 of this section must develop and implement a monitoring plan. The waterworks must maintain the plan and make it available for inspection by the commissioner and the general public no later than 30 days following the applicable compliance dates in subdivision B 3 ~~h~~ a of this section. All community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water serving more than 3,300 people must submit a copy of the monitoring plan to the commissioner no later

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than the date of the first report required under 12 VAC 5-590-530 A. The commissioner may also require the plan to be submitted by any other waterworks. After review, the commissioner may require changes in any plan elements. The plan must include at least the following elements:

- (1) Specific locations and schedules for collecting samples for any parameters included in subdivision B 3 of this section.
- (2) How the waterworks will calculate compliance with PMCLs, MRDLs, and treatment techniques.
- (3) The sampling plan for a consecutive waterworks must reflect the entire consecutive distribution system.

4. Unregulated contaminants (UCs). All community and nontransient noncommunity waterworks shall sample for the contaminants listed in Table 2.6 and Table 2.7 as follows:

a. Table 2.6--Group A

- (1) Owners of waterworks which use a surface water source in whole or in part shall sample at the entry points to the distribution system which is representative of each source, after treatment (hereafter called a sampling point). The minimum number of samples is one year of consecutive quarterly samples per sampling point beginning in accordance with Table 2.8.
- (2) Owners of waterworks which use groundwater shall sample at points of entry to the distribution system which is representative of each source (hereafter called a sampling point). The minimum number of samples is one sample per sampling point beginning in accordance with Table 2.8.
- (3) The commissioner may require a confirmation sample for positive or negative results.
- (4) Waterworks serving less than 150 connections may inform the commissioner, in writing, that their waterworks is available for sampling instead of performing the required sampling.
- (5) All waterworks required to sample under this section shall repeat the sampling at least every five years.

b. Table 2.6--Group B and Table 2.7

- (1) The owner of each community and nontransient noncommunity waterworks owner shall take four consecutive quarterly samples at the entry points to the distribution system which is representative of each source (hereafter called a sampling point) for each contaminant listed in Table 2.6 Group B and report the results to the commissioner. Monitoring shall be completed by December 31, 1995.
- (2) The owner of each community and nontransient noncommunity waterworks shall take one sample at each sampling point for each contaminant listed in Table 2.7 and report the results to the commissioner. Monitoring shall be completed by December 31, 1995.

(3) The owner of each community and nontransient noncommunity waterworks may apply to the commissioner for a waiver from the monitoring requirements of subdivisions B 4 b (1) and (2) of this section for the contaminants listed in Table 2.6 Group B and Table 2.7.

(4) The commissioner may grant a waiver for the requirement of subdivision B 4 b (1) of this section based on the criteria specified in subdivision B 2 f of this section. The commissioner may grant a waiver from the requirement of subdivision B 4 b (2) of this section if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

(5) If the waterworks utilizes more than one source and the sources are combined before distribution, the waterworks shall sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(6) The commissioner may require a confirmation sample for positive or negative results.

(7) Instead of performing the monitoring required by this section, the owner of a community waterworks or nontransient noncommunity waterworks serving fewer than 150 service connections may send a letter to the commissioner stating that the waterworks is available for sampling. This letter shall be sent to the commissioner by January 1, 1994. The waterworks shall not send such samples to the commissioner unless requested to do so by the commissioner.

(8) All waterworks required to sample under this section shall repeat the sampling at least every five years.

5. Repealed.

6. Monitoring requirements for lead and copper. The owners of all community and nontransient noncommunity waterworks shall monitor for lead and copper in tap water (subdivision B 6 a of this section), water quality (corrosion) parameters in the distribution system and at entry points (subdivision B 6 b of this section), and lead and copper in water supplies (subdivision B 6 c of this section). The monitoring requirements contained in this section are summarized in Appendix M.

a. Monitoring requirements for lead and copper in tap water.

(1) Sample site location.

(a) By the applicable date for commencement of monitoring under subdivision B 6 a (4) (a), each waterworks owner shall complete a materials evaluation of the distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the owner can collect the number of lead and copper tap samples required in subdivision B 6 a (3). All sites from which first draw samples are collected shall be selected from

this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(b) A waterworks owner shall use the information on lead, copper, and galvanized steel that the owner is required to collect when conducting a materials evaluation (reference Appendix B Corrosion). When this evaluation is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria of this section, the owner shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the owner shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

(i) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(ii) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(iii) All existing water quality information, which includes the results of all prior analyses of the waterworks or individual structures connected to the waterworks, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(c) The sampling sites selected for a community waterworks' sampling pool ("tier 1 sampling sites") shall consist of single family structures that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

NOTE: When multiple-family residences comprise at least 20% of the structures served by a waterworks, the waterworks may include these types of structures in its sampling pool.

(d) The owner of any community waterworks with insufficient tier 1 sampling sites shall complete the sampling pool with "tier 2 sampling sites," consisting of buildings, including multiple-family residences that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

(e) The owner of any community waterworks with insufficient tier 1 and tier 2 sampling sites shall complete the sampling pool with "tier 3 sampling

sites," consisting of single family structures that contain copper pipes with lead solder installed before 1983. The owner of a community waterworks with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete the sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the waterworks.

(f) The sampling sites selected for a nontransient noncommunity waterworks ("tier 1 sampling sites") shall consist of buildings that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

(g) The owner of a nontransient noncommunity waterworks with insufficient tier 1 sites that meet the targeting criteria in subdivision B 6 a (1) (f) of this section shall complete the sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the owner of a nontransient noncommunity waterworks shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the waterworks.

(h) The owner of any waterworks whose distribution system contains lead service lines shall draw 50% of the samples the owner collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50% of the samples the owner collects from sites served by a lead service line. Any owner who cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw tap samples from all of the sites identified as being served by such lines.

## (2) Sample collection methods.

(a) All tap samples for lead and copper, with the exception of lead service line samples collected under 12 VAC 5-590-420 E 3 and samples collected under subdivision B 6 a (2) (e) of this section, shall be first draw samples.

(b) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw

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samples pursuant to subdivision B 6 a (2) (e) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the waterworks owner or the owner may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If an owner allows residents to perform sampling, the owner may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(c) Each lead service line sample collected pursuant to 12 VAC 5-590-420 E 3 for the purpose of avoiding replacement shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:

- (i) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;
- (ii) Tapping directly into the lead service line; or
- (iii) If the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

(d) A waterworks owner shall collect each first draw tap sample from the same sampling site from which the owner collected a previous sample. If, for any reason, the owner cannot gain entry to a sampling site in order to collect a follow-up tap sample, the owner may collect the follow-up tap sample from another sampling site in the sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(e) The owner of a nontransient noncommunity waterworks, or a community waterworks that meets the criteria of 12 VAC 5-590-420 F 3 g (1) and (2) that does not have enough taps that can supply first-draw samples, as defined in subdivision B 6 a (2) (b) of this section, may apply to the district engineer in writing to substitute non-first-draw samples. If approved by the commissioner, such owners must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

(3) Number of samples. Waterworks owners shall collect at least one sample during each monitoring period specified in subdivision B 6 a (4) of this section from the number of sites listed in the first column ("standard monitoring") of the table in this paragraph. The owner of a waterworks conducting reduced monitoring under subdivision B 6 a (4) (d) of this section shall collect at least one sample from the number of sites specified in the second column ("reduced monitoring") of the table in this paragraph during each monitoring period specified in subdivision B 6 a (4) (d) of this section. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. The commissioner may specify sampling locations when a waterworks owner is conducting reduced monitoring. The table is as follows:

System Size (Number of People Served)	Number of sites (Standard Monitoring)	Number of sites (Reduced Monitoring)
>100,000	100	50
10,001-100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
≤100	5	5

(4) Timing of monitoring.

(a) Initial tap sampling. The first six-month monitoring period for small (serving ≤3,300 population), medium-size (serving 3,301 to 50,000 population) and large waterworks (serving ≥50,000 population) shall be established by the commissioner.

(i) All large waterworks shall monitor during two consecutive six-month periods.

(ii) All small and medium-size waterworks shall monitor during each six-month monitoring period until: the waterworks exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under 12 VAC 5-590-420 C, in which case the owner shall continue monitoring in accordance with subdivision B 6 a (4) (b) of this section, or the waterworks meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the owner may reduce monitoring in accordance with subdivision B 6 a (4) (d) of this section.

(b) Monitoring after installation of corrosion control and water supply (source water) treatment.

(i) The owner of any large waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 d (4) shall monitor during two consecutive six-month

monitoring periods by the date specified in 12 VAC 5-590-420 C 2 d (5).

(ii) The owner of any small or medium-size waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 e (5) shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 C 2 e (6).

(iii) The owner of any waterworks which installs source water treatment pursuant to 12 VAC 5-590-420 D 1 c shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 D 1 d.

(c) Monitoring after the commissioner specifies water quality parameter values for optimal corrosion control. After the commissioner specifies the values for water quality control parameters under 12 VAC 5-590-420 C 1 f, the waterworks owner shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the commissioner specifies the optimal values under 12 VAC 5-590-420 C 1 f.

(d) Reduced monitoring.

(i) The owner of a small or medium-size waterworks that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subdivision B 6 a (3) of this section, and reduce the frequency of sampling to once per year.

(ii) The owner of any waterworks that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and to reduce the number of lead and copper samples in accordance with subdivision B 6 a (3) of this section if the owner receives written approval from the commissioner. The commissioner shall review monitoring, treatment, and other relevant information submitted by the waterworks owner in accordance with 12 VAC 5-590-530 D, and shall notify the waterworks owner in writing when a determination is made that the owner is eligible to commence reduced monitoring pursuant to this paragraph. The commissioner shall review, and where appropriate, revise its determination when the owner submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(iii) The owner of a small or medium-size waterworks that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three

years. Any waterworks that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if the owner receives written approval from the commissioner. The commissioner shall review monitoring, treatment, and other relevant information submitted by the owner in accordance with 12 VAC 5-590-530 D and shall notify the waterworks owner in writing when a determination is made that the owner is eligible to commence reduced monitoring pursuant to this paragraph. The commissioner shall review, and where appropriate, revise its determination when the owner submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(iv) The owner of a waterworks that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in subdivision B 6 a (1) of this section. Waterworks owners sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September. For a nontransient noncommunity waterworks that does not operate during the months of June through September, the commissioner shall designate an alternate monitoring period that represents a time of normal operation for the waterworks.

(v) The owner of any waterworks that demonstrates for two consecutive six-month monitoring periods that the tap water lead level computed under 12 VAC 5-590-410 E 3 is less than or equal to 0.005 mg/L and the tap water copper level computed under 12 VAC 5-590-410 E 3 is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with subdivision B 6 a (3) of this section and reduce the frequency of sampling to once every three calendar years.

(vi) The owner of a small or medium-size waterworks subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with subdivision B 6 a (4) (c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section. Such waterworks owner shall also conduct water quality parameter monitoring in accordance with subdivision B 6 b (2), (3), or (4) of this section (as appropriate) during the monitoring period in which the action level is exceeded. The owner of any such waterworks may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subdivision B 6 a (3) of

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this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subdivision B 6 a (4) (d) (i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subdivision B 6 a (4) (d) (iii) or (v) of this section.

(vii) The owner of any waterworks subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the commissioner under 12 VAC 5-590-420 C 1 f for more than nine days in any six-month period specified in subdivision B 6 b (4) of this section shall conduct tap water sampling for lead and copper at the frequency specified in subdivision B 6 a (4) (c) of this section, collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with subdivision B 6 b (4) of this section. The owner of such a waterworks may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

((a)) The waterworks owner may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subdivision B 6 a (3) of this section after completion of two subsequent six-month rounds of monitoring that meet the criteria of subdivision B 6 a (4) (d) (ii) of this section and the owner has received written approval from the commissioner that it is appropriate to resume reduced monitoring on an annual frequency.

((b)) The waterworks owner may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after demonstration through subsequent rounds of monitoring that it meets the criteria of either subdivision B 6 a (4) (d) (iii) or (v) of this section and the owner has received written approval from the commissioner that it is appropriate to resume triennial monitoring.

((c)) The waterworks owner may reduce the number of water quality parameter tap water samples required in accordance with subdivision B 6 b (5) (a) of this section and the frequency with which it collects such samples in accordance with subdivision B 6 b (5) (b) of this section. The owner of such a waterworks may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of subdivision B 6 b (5) (b) of this section, that it has requalified for triennial monitoring.

(viii) The owner of any waterworks subject to a reduced monitoring frequency under subdivision B 6 a (4) (d) of this section that either adds a new source of water or changes any water treatment shall inform the district engineer in writing in accordance with 12 VAC 5-590-530 D 1 c. The commissioner may require the waterworks owner to resume sampling in accordance with subdivision B 6 a (4) (c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(5) Additional monitoring by waterworks owner. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the waterworks owner and the commissioner in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subpart.

(6) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under 12 VAC 5-590-410 E or toward meeting the minimum monitoring requirements of subdivision B 6 a (3) of this section.

(a) The commissioner may invalidate a lead or copper tap water sample if at least one of the following conditions is met.

(i) The laboratory establishes that improper sample analysis caused erroneous results.

(ii) The commissioner determines that the sample was taken from a site that did not meet the site selection criteria of this section.

(iii) The sample container was damaged in transit.

(iv) There is substantial reason to believe that the sample was subject to tampering.

(b) The waterworks owner must report the results of all samples to the district engineer and all supporting documentation for samples the owner believes should be invalidated.

(c) To invalidate a sample under subdivision B 6 a (6) (a) of this section, the decision and the rationale for the decision must be documented in writing. The commissioner may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(d) The waterworks owner must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the owner has too few samples to meet the minimum requirements of subdivision B 6 a (3) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days

after the date the commissioner invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(7) Monitoring waivers for small systems. The owner of any small waterworks that meets the criteria of this section may apply to the commissioner to reduce the frequency of monitoring for lead and copper to once every nine years (i.e., a "full waiver") if the owner meets all of the materials criteria specified in subdivision B 6 a (7) (a) of this section and all of the monitoring criteria specified in subdivision B 6 a (7) (b) of this section. The owner of any small system that meets the criteria in subdivisions B 6 a (7) (a) and (b) of this section only for lead, or only for copper, may apply to the commissioner for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

(a) Materials criteria. The waterworks owner must demonstrate that the distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the waterworks, are free of lead-containing materials and/or copper-containing materials, as those terms are defined in this paragraph, as follows:

(i) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the waterworks owner must provide certification and supporting documentation to the commissioner that the waterworks is free of all lead-containing materials, as follows:

((a)) It contains no plastic pipes that contain lead plasticizers, or plastic service lines that contain lead plasticizers; and

((b)) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 USC § 300g-6(e) (SDWA § 1417(e)).

(ii) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the waterworks owner must provide certification and supporting documentation to the commissioner that the waterworks contains no copper pipes or copper service lines.

(b) Monitoring criteria for waiver issuance. The waterworks owner must have completed at least one six-month round of standard tap water monitoring for

lead and copper at sites approved by the commissioner and from the number of sites required by subdivision B 6 a (3) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the owner became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.

(i) Lead levels. To qualify for a full waiver, or a lead waiver, the waterworks owner must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

(ii) Copper levels. To qualify for a full waiver, or a copper waiver, the waterworks owner must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

(c) Commissioner approval of waiver application. The commissioner shall notify the waterworks owner of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the commissioner may require the owner to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The owner of a small waterworks must continue monitoring for lead and copper at the tap as required by subdivisions B 6 a (4) (a) through (d) of this section, as appropriate, until it receives written notification from the commissioner that the waiver has been approved.

(d) Monitoring frequency for waterworks owners with waivers.

(i) A waterworks owner with a full waiver must conduct tap water monitoring for lead and copper in accordance with subdivision B 6 a (4) (d) (iv) of this section at the reduced number of sampling sites identified in subdivision B 6 a (3) of this section at least once every nine years and provide the materials certification specified in subdivision B 6 a (7) (a) of this section for both lead and copper to the commissioner along with the monitoring results.

(ii) A waterworks owner with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subdivision B 6 a (4) (d) (iv) of this section at the reduced number of sampling sites specified in subdivision B 6 a (3) of this section at least once every nine years and provide the materials certification specified in subdivision B 6 a (7) (a) of this section pertaining to the waived contaminant along with the monitoring results. Such a waterworks owner also must continue to monitor for the nonwaived contaminant in accordance with requirements of subdivisions B 6 a (4) (a) through (d) of this section, as appropriate.

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- (iii) If a waterworks owner with a full or partial waiver adds a new source of water or changes any water treatment, the owner must notify the commissioner in writing in accordance with 12 VAC 5-590-530 D 1 c. The commissioner has the authority to require the owner to add or modify waiver conditions (e.g., require recertification that the waterworks is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the waterworks.
- (iv) If a waterworks owner with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the owner shall notify the commissioner in writing no later than 60 days after becoming aware of such a change.
- (e) Continued eligibility. If the waterworks owner continues to satisfy the requirements of subdivision B 6 a (7) (d) of this section, the waiver will be renewed automatically, unless any of the conditions listed in subdivisions (i), (ii), or (iii) of this subdivision (e) occurs. A waterworks owner whose waiver has been revoked may reapply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subdivisions B 6 a (7) (a) and (b) of this section.
  - (i) A waterworks owner with a full waiver or a lead waiver no longer satisfies the materials criteria of subdivision B 6 a (7) (a) (i) of this section or has a 90th percentile lead level greater than 0.005 mg/L.
  - (ii) A waterworks owner with a full waiver or a copper waiver no longer satisfies the materials criteria of subdivision B 6 a (7) (a) (ii) of this section or has a 90th percentile copper level greater than 0.65 mg/L.
  - (iii) The commissioner notifies the waterworks owner, in writing, that the waiver has been revoked, setting forth the basis of the decision.
- (f) Requirements following waiver revocation. A waterworks owner whose full or partial waiver has been revoked by the commissioner is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:
  - (i) If the waterworks owner exceeds the lead and/or copper action level, the owner must implement corrosion control treatment in accordance with the deadlines specified in 12 VAC 5-590-420 C 2 e and any other applicable requirements of this subpart.
  - (ii) If the waterworks owner meets both the lead and the copper action level, the owner must monitor for lead and copper at the tap no less frequently than once every three years using the

reduced number of sample sites specified in subdivision B 6 a (3) of this section.

(g) Pre-existing waivers. Waivers for small waterworks approved by the commissioner in writing prior to April 11, 2000, shall remain in effect under the following conditions:

(i) If the waterworks owner has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subdivision B 6 a (7) (a) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subdivision B 6 a (7) (b) of this section, the waiver remains in effect so long as the owner continues to meet the waiver eligibility criteria of subdivision B 6 a (7) (e) of this section. The first round of tap water monitoring conducted pursuant to subdivision B 6 a (7) (d) of this section shall be completed no later than nine years after the last time the owner has monitored for lead and copper at the tap.

(ii) If the waterworks owner has met the materials criteria of subdivision B 6 a (7) (a) of this section but has not met the monitoring criteria of subdivision B 6 a (7) (b) of this section, the owner shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of subdivision B 6 a (7) (b) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the owner meets the continued eligibility criteria of subdivision B 6 a (7) (e) of this section. The first round of tap water monitoring conducted pursuant to subdivision B 6 a (7) (d) of this section shall be completed no later than nine years after the round of monitoring conducted pursuant to subdivision B 6 a (7) (b) of this section.

b. Monitoring requirements for water quality parameters. The owners of all large waterworks, and all small and medium-size waterworks that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are summarized in Appendix M.

(1) General requirements.

(a) Sample collection methods.

(i) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the waterworks, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under subdivision B 6 (a) (1) of this section. Waterworks owners may find it convenient to conduct tap sampling for water quality parameters at sites approved for coliform sampling.



(ii) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(b) Number of samples.

(i) Waterworks owners shall collect two tap samples for applicable water quality parameters during each monitoring period specified under subdivision B 6 b (2) through (5) of this section from the following number of sites.

System Size (Number of People Served)	Number of Sites for Water Quality Parameters
>100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(ii) Except as provided in subdivision B 6 b (3) (c) of this section, waterworks owners shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in subdivision B 6 b (2) of this section. During each monitoring period specified in subdivision B 6 b (3) through (5) of this section, waterworks owners shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

(2) Initial sampling. The owners of all large waterworks shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in subdivision B 6 a (4) (a) of this section. The owners of all small and medium-size waterworks shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period specified in subdivision B 6 a (4) (a) of this section during which the waterworks exceeds the lead or copper action level.

(a) At taps:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) silica, when an inhibitor containing a silicate compound is used;
- (v) calcium;

(vi) conductivity; and

(vii) water temperature.

(b) At each entry point to the distribution system: all of the applicable parameters listed in subdivision B 6 b (2) (a) of this section.

(3) Monitoring after installation of corrosion control. The owner of any large waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 d (4) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in subdivision B 6 a (4) (b) (i) of this section. The owner of any small or medium-size waterworks which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in subdivision B 6 a (4) (b) (ii) in which the waterworks exceeds the lead or copper action level.

(a) At taps, two samples for:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) silica, when an inhibitor containing a silicate compound is used;
- (v) calcium, when calcium carbonate stabilization is used as part of corrosion control.

(b) Except as provided in subdivision B 6 b (3) (c) of this section, at each entry point to the distribution system, at least one sample no less frequently than every two weeks (bi-weekly) for:

- (i) pH;
- (ii) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
- (iii) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(c) The owner of any ground water waterworks can limit entry point sampling described in subdivision B 6 b (3) (b) of this section to those entry points that are representative of water quality and treatment conditions throughout the waterworks. If water from untreated ground water sources mixes with water from treated ground water sources, the owner must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the owner shall provide to the commissioner written information identifying the selected entry points and documentation, including

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information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the waterworks.

(4) Monitoring after the commissioner specifies water quality parameter values for optimal corrosion control. After the commissioner specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under 12 VAC 5-590-420 C 1 f, the owners of all large waterworks shall measure the applicable water quality parameters in accordance with subdivision B 6 b (3) of this section and determine compliance with the requirements of 12 VAC 5-590-420 C 1 g every six months with the first six-month period to begin on the date the commissioner specifies the optimal values under 12 VAC 5-590-420 C 1 f. The owner of any small or medium-size waterworks shall conduct such monitoring during each six-month monitoring period specified in this subdivision in which the waterworks exceeds the lead or copper action level. For the owner of any such small and medium-size waterworks that is subject to a reduced monitoring frequency pursuant to subdivision B 6 a (4) (d) of this section at the time of the action level exceedance, the end of the applicable six-month period under this paragraph shall coincide with the end of the applicable monitoring period under subdivision B 6 a (4) (d) of this section. Compliance with the commissioner-designated optimal water quality parameter values shall be determined as specified under 12 VAC 5-590-420 C 1 g.

(5) Reduced monitoring.

(a) The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subdivision B 6 b (4) of this section shall continue monitoring at the entry point(s) to the distribution system as specified in subdivision B 6 b (3) (b) of this section. The owner of such waterworks may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

Size of Water System (Number of People Served)	Reduced Number of WQP Monitoring Sites
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(b) The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-

420 C 1f during three consecutive years of monitoring may reduce the frequency with which the owner collects the number of tap samples for applicable water quality parameters specified in subdivision B 6 b (5) (a) of this section from every six months to annually. The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subdivision B 6 a (5) (a) of this section from annually to every three years.

(c) The owner of a waterworks may reduce the frequency with which tap samples are collected for applicable water quality parameters specified in subdivision B 6 b (5) (a) of this section to every three years if the owner demonstrates during two consecutive monitoring periods that the tap water lead level at the 90th percentile is less than or equal to the PQL for lead (0.005 mg/L), that the tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper, and that the owner also has maintained the range of values for water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f.

(d) The owner of a waterworks that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(e) The owner of any waterworks subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the commissioner under 12 VAC 5-590-420 C 1 f for more than nine days in any six-month period specified in 12 VAC 5-590-420 C 1 g shall resume distribution system tap water sampling in accordance with the number and frequency requirements in subdivision B 6 b (4) of this section. Such a waterworks owner may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subdivision B 6 b (5) of this section after completion of two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subdivision and/or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after demonstration through subsequent rounds of monitoring that the criteria of either subdivision B 6 b (5) (b) or (c) of this section has been met.

(6) Additional monitoring by waterworks owners. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the waterworks owner and the

commissioner in making any determinations under this section or 12 VAC 5-590-420 C 1.

c. Monitoring requirements for lead and copper in water supplies (source water).

(1) Sample location, collection methods, and number of samples.

(a) The owner of a waterworks that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with subdivision B 6 a of this section shall collect lead and copper water supply samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

(i) The owner of a waterworks served by groundwater sources shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The waterworks owner shall take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) The owner of a waterworks served by surface water sources shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The waterworks owner shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. Note that for the purpose of this paragraph, a waterworks served by a surface water source includes waterworks served by a combination of surface and ground sources.

(iii) If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner must collect samples at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(iv) The commissioner may reduce the total number of samples that must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either a follow-up sample shall be collected and analyzed within 14 days at each sampling point included in the composite or if duplicates of or sufficient quantities from the original samples from each sampling point used in

the composite are available, the waterworks owner may use these instead of resampling.

(b) Where the results of sampling indicate an exceedance of maximum permissible water supply levels established under 12 VAC 5-590-420 D 4, the commissioner may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a commissioner required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the commissioner-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL. The PQL for Lead is equal to 0.005 mg/l and the PQL for Copper is equal to 0.050 mg/l.

(2) Monitoring frequency after waterworks exceeds tap action level. The owner of any waterworks which exceeds the lead or copper action level at the tap shall collect one water supply sample from each entry point to the distribution system within six months after the exceedance.

(3) Monitoring frequency after installation of water supply treatment. The owner of any waterworks which installs water supply treatment pursuant to 12 VAC 5-590-420 D 1 c shall collect an additional water supply sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in 12 VAC 5-590-420 D 1 d.

(4) Monitoring frequency after the commissioner specifies maximum permissible water supply lead and copper levels or determines that water supply treatment is not needed.

(a) A waterworks owner shall monitor at the frequency specified below in cases where the commissioner specifies maximum permissible water supply lead and copper levels under 12 VAC 5-590-420 D 4 or determines that the owner is not required to install water supply treatment under 12 VAC 5-590-420 D 2 (b).

(i) The owner of a waterworks using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable commissioner determination under subdivision B 6 c (4) (a) of this section is made. Owners of such waterworks shall collect samples once during each subsequent compliance period.

(ii) The owner of a waterworks using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin on the date on which the applicable commissioner determination is made under subdivision B 6 c (4) (a) of this section.

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(b) A waterworks owner is not required to conduct water supply sampling for lead and/or copper if the waterworks meets the action level for the specific contaminant in tap water samples during the entire water supply sampling period applicable to the waterworks under subdivision B 6 c (4) (a) (i) or (ii) of this section.

(5) Reduced monitoring frequency.

(a) The owner of a waterworks using only groundwater may reduce the monitoring frequency for lead and copper in water supplies to once during each nine-year compliance cycle if the waterworks owner meets one of the following criteria:

(i) The waterworks owner demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner under 12 VAC 5-590-420 D 4 during at least three consecutive compliance periods under subdivision B 6 c (4) (a) of this section; or

(ii) The commissioner has determined that water supply treatment is not needed and the waterworks owner demonstrates that, during the last three consecutive compliance periods in which sampling was conducted under subdivision B 6 c (4) (a) of this section, the concentration of lead in the water supply was less than or equal to 0.005 mg/L and the concentration of copper in the water supply was less than or equal to 0.65 mg/L.

(b) The owner of a waterworks using surface water (or a combination of surface and ground waters) may reduce the monitoring frequency for lead and copper in water supplies to once during each nine-year compliance cycle if the waterworks owner meets one of the following criteria:

(i) The waterworks owner demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner under 12 VAC 5-590-420 D 4 for at least three consecutive years; or

(ii) The commissioner has determined that water supply treatment is not needed and the waterworks owner demonstrates that, during the last three consecutive years, the concentration of lead in the water supply was less than or equal to 0.005 mg/L and the concentration of copper in the water supply was less than or equal to 0.65 mg/L.

(c) A waterworks that uses a new water supply is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new supply during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the commissioner in 12 VAC 5-590-420 D 1 e.

7. Monitoring filtration and disinfection.

a. The owner of a waterworks that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must monitor in accordance with this section beginning June 29, 1993, or when filtration is installed, whichever is later.

b. Turbidity measurements as required by 12 VAC 5-590-410 F shall be performed on representative samples of the filtered water every four hours (or more frequently) that the waterworks serves water to the public. A waterworks owner may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the ~~division~~ Office. For any waterworks using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the ~~division~~ office may reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For waterworks serving 500 or fewer persons, the ~~division~~ office may reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the ~~division~~ office determines that less frequent monitoring is sufficient to indicate effective filtration performance.

(1) In addition to the above, ~~a~~ *as of January 1, 2001, waterworks serving at least 10,000 people and as of January 1, 2005, waterworks serving less than 10,000 people* supplied by surface water or groundwater under the direct influence of surface water ~~that provides~~ using conventional filtration treatment or direct filtration must conduct continuous monitoring of turbidity for each individual filter, using an approved method in 12 VAC 5-590-440, ~~and~~ . ~~The turbidimeter must calibrate~~ *turbidimeters be calibrated* using the procedure specified by the manufacturer. Waterworks must record the results of individual filter *turbidity* monitoring every 15 minutes.

(2) If there is a failure in the continuous turbidity monitoring equipment, the waterworks must conduct grab sampling every four hours in lieu of continuous monitoring but for no more than five working days (*for waterworks serving at least 10,000 people*) or 14 days (*for waterworks serving less than 10,000 people*) following the failure of the equipment.

(3) *If a waterworks serving less than 10,000 people consists of two or fewer filters, continuous monitoring of the combined filter effluent may be used in lieu of individual filter monitoring.*

c. The residual disinfectant concentration of the water entering the distribution system shall be monitored continuously, and the lowest value shall be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment, and owners of waterworks serving 3,300 or fewer persons may take grab samples in lieu of

continuous monitoring on an ongoing basis at the frequencies each day prescribed below:

Waterworks size by population	Samples/Day <sup>1</sup>
500 or less	1
501 to 1,000	2
1,000 to 2,500	3
2,501 to 3,300	4

<sup>1</sup>The day's samples cannot be taken at the same time. The sampling intervals are subject to commissioner's review and approval.

If at any time the residual disinfectant concentration falls below 0.2 mg/L in a waterworks using grab sampling in lieu of continuous monitoring, the waterworks owner shall take a grab sample every four hours until the residual disinfectant concentration is equal to or greater than 0.2 mg/L.

(1) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in subsection A of this section, except that the division may allow a waterworks owner which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the division determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in 12 VAC 5-590-420 B may be measured in lieu of residual disinfectant concentration.

(2) If the ~~division~~ *office* determines, based on site-specific considerations, that a waterworks has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions and that the waterworks is providing adequate disinfection in the distribution system, the requirements of subdivision B 7 (1) of this section do not apply to that waterworks.

d. The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 12 VAC 5-590-420 B shall be reported monthly to the division by the waterworks owner:

- (1) Number of instances where the residual disinfectant concentration is measured;
- (2) Number of instances where the residual disinfectant concentration is not measured but HPC is measured;
- (3) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;
- (4) Number of instances where no residual disinfectant concentration is detected and where the HPC is greater than 500/mL;

(5) Number of instances where the residual disinfectant concentration is not measured and HPC is greater than 500/mL.

(6) For the current and previous month the waterworks serves water to the public, the value of "V" in percent in the following formula:

$$V = (c + d + e) / (a + b) \times 100$$

where

- a = the value in subdivision B 7 d (1) of this section,
- b = the value in subdivision B 7 d (2) of this section,
- c = the value in subdivision B 7 d (3) of this section,
- d = the value in subdivision B 7 d (4) of this section,
- e = the value in subdivision B 7 d (5) of this section,

(7) If the division determines, based on site-specific considerations, that a waterworks owner has no means for having a sample transported and analyzed for HPC by a certified laboratory within the requisite time and temperature conditions and that the waterworks is providing adequate disinfection in the distribution system, the requirements of subdivision B 7 c (1) of this section do not apply.

e. A waterworks owner need not report the data listed in 12 VAC 5-590-530 C 2 a if all data listed in 12 VAC 5-590-530 C 2 a through c remain on file at the waterworks and the division determines that the waterworks owner has submitted all the information required by 12 VAC 5-590-530 C 2 a through c for at least 12 months.

8. Operational. Waterworks owners may be required by the division to collect additional samples to provide quality control for any treatment processes that are employed.

C. Physical. All samples for turbidity analysis shall be taken at a representative entry point or points to the water distribution system unless otherwise specified. Turbidity samples shall be analyzed, at least once per day at all waterworks that use surface water sources or groundwater sources under the direct influence of surface water.

D. Radiological. The location of sampling points, the radionuclides measured in community waterworks, the frequency, and the timing of sampling within each compliance period shall be established or approved by the commissioner. The commissioner may increase required monitoring where necessary to detect variations within the waterworks. Failure to comply with the sampling schedules in this section will require public notification pursuant to 12 VAC 5-590-540.

Community waterworks owners shall conduct monitoring to determine compliance with the PMCLs in Table 2.5 and 12 VAC 5-590-400 in accordance with this section.

1. Monitoring and compliance requirements for gross alpha particle activity, radium-226, radium-228, and uranium.

a. Community waterworks owners must conduct initial monitoring to determine compliance with 12 VAC 5-590-400 B 2, 12 VAC 5-590-400 B 3 and 12 VAC 5-590-400 B 4 by December 31, 2007. For the purposes of monitoring

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for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity in drinking water, "detection limit" is defined as in Appendix B of this chapter.

(1) Applicability and sampling location for existing community waterworks or sources. The owners of all existing community waterworks using ground water, surface water or waterworks using both ground and surface water must sample at every entry point to the distribution system that is representative of all sources being used under normal operating conditions. The community waterworks owner must take each sample at the same entry point unless conditions make another sampling point more representative of each source.

(2) Applicability and sampling location for new community waterworks or sources. All new community waterworks or community waterworks that use a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. Community waterworks owners must conduct more frequent monitoring when directed by the commissioner in the event of possible contamination or when changes in the distribution system or treatment processes occur which may increase the concentration of radioactivity in finished water.

b. Initial monitoring: Community waterworks owners must conduct initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium as follows:

(1) Community waterworks without acceptable historical data, as defined below, must collect four consecutive quarterly samples at all entry points before December 31, 2007.

(2) Grandfathering of data: The commissioner may allow historical monitoring data collected at an entry point to satisfy the initial monitoring requirements for that entry point, for the following situations:

(a) To satisfy initial monitoring requirements, a community waterworks owner having only one entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

(b) To satisfy initial monitoring requirements, a community waterworks owner with multiple entry points and having appropriate historical monitoring data for each entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

(3) For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the commissioner may waive the final two quarters of initial monitoring for an entry point if the results of the samples from the previous two quarters are below the detection limit specified in Appendix B.

(4) If the average of the initial monitoring results for an entry point is above the PMCL, the community waterworks owner must collect and analyze quarterly samples at that entry point until the waterworks owner has results from four consecutive quarters that are at or below the PMCL, unless the community waterworks owner enters into another schedule as part of a formal compliance agreement with the commissioner.

c. Reduced monitoring: The commissioner may allow community waterworks owners to reduce the future frequency of monitoring from once every three years to once every six or nine years at each entry point, based on the following criteria:

(1) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in Appendix B, the waterworks owner must collect and analyze for that contaminant using at least one sample at that entry point every nine years.

(2) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit specified in Appendix B but at or below 1/2 of the PMCL, the community waterworks owner must collect and analyze for that contaminant using at least one sample at that entry point every six years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit specified in Appendix B but at or below 1/2 the PMCL, the community waterworks owner must collect and analyze for that contaminant using at least one sample at that entry point every six years.

(3) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above 1/2 the PMCL but at or below the PMCL, the community waterworks owner must collect and analyze at least one sample at that entry point every three years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above 1/2 the PMCL but at or below the MPCL, the community waterworks owner must collect and analyze at least one sample at that entry point every three years.

(4) Community waterworks owners must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (e.g., if a community waterworks' entry point is on a nine-year monitoring period, and the sample result is above 1/2 the PMCL, then the next monitoring period for that entry point is three years).

(5) If a community waterworks owner has a monitoring result that exceeds the PMCL while on reduced monitoring, the community waterworks owner must collect and analyze quarterly samples at that entry

point until the community waterworks owner has results from four consecutive quarters that are below the PMCL, unless the community waterworks enters into another schedule as part of a formal compliance agreement with the commissioner.

d. Composting: To fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a community waterworks owner may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample. The commissioner will treat analytical results from the composited sample as the average analytical result to determine compliance with the PMCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than 1/2 the PMCL, the commissioner may direct the community waterworks owner to take additional quarterly samples before allowing the community waterworks owner to sample under a reduced monitoring schedule.

e. A gross alpha particle activity measurement may be substituted for the required radium-226 measurement provided that the measured gross alpha particle activity does not exceed 5 pCi/L. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/L.

The gross alpha measurement shall have a confidence interval of 95% ( $1.65 \cdot \sigma$ , where  $\sigma$  is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a community waterworks owner uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than the detection limit as specified in Appendix B, 1/2 the detection limit will be used to determine compliance and the future monitoring frequency.

2. Monitoring and compliance requirements for beta particle and photon radioactivity. To determine compliance with the maximum contaminant levels in 12 VAC 5-590-400 B 5 for beta particle and photon radioactivity, a community waterworks owner must monitor at a frequency as follows:

a. Community waterworks owners (using surface or groundwater) designated by the commissioner as vulnerable must sample for beta particle and photon radioactivity. Community waterworks owners must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system, beginning within one quarter after being notified by the commissioner. Community waterworks already designated by the commissioner must continue to sample until the commissioner reviews and either reaffirms or removes the designation.

(1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at an entry point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the commissioner may reduce the frequency of

monitoring at that entry point to once every three years. Community waterworks owners must collect all samples required in subdivision 2 a of this subsection during the reduced monitoring period.

(2) For community waterworks in the vicinity of a nuclear facility, the commissioner may allow the community waterworks owners to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the community waterworks' entry point(s), where the commissioner determines if such data is applicable to a particular community waterworks. In the event that there is a release from a nuclear facility, community waterworks owners which are using surveillance data must begin monitoring at the community waterworks' entry point(s) in accordance with subdivision 2 a of this subsection.

b. Community waterworks owners (using surface or groundwater) designated by the commissioner as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. Community waterworks owners must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system, beginning within one quarter after being notified by the commissioner. Owners of community waterworks already designated by the commissioner as using waters contaminated by effluents from nuclear facilities must continue to sample until the commissioner reviews and either reaffirms or removes the designation.

(1) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended.

(2) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As directed by the commission, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

(3) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.

(4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L, the commissioner may reduce the frequency of monitoring at that sampling point to every three years. Community waterworks owners must collect all samples required in subdivision 2 b of this subsection during the reduced monitoring period.

(5) For community waterworks in the vicinity of a nuclear facility, the commissioner may allow the community waterworks owner to utilize environmental surveillance data collected by the nuclear facility in lieu of the monitoring at the community waterworks' entry

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point(s), where the commissioner determines such data is applicable to a particular waterworks. In the event that there is a release from a nuclear facility, community waterworks owners which are using surveillance data must begin monitoring at the community waterworks' entry point(s) in accordance with subdivision 2 b of this subsection.

c. Owners of community waterworks designated by the commissioner to monitor for beta particle and photon radioactivity can not apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision 2 a or b of this subsection.

d. Community waterworks owners may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Community waterworks owners are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/l) by a factor of 0.82.

e. If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with 12 VAC 5-590-400 B 5 a, using the formula in 12 VAC 590-400 B 5 b. Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.

f. Community waterworks owners must monitor monthly at the entry point(s) which exceed the maximum contaminant level in 12 VAC 5-590-400 B 5 beginning the month after the exceedance occurs. Community waterworks owners must continue monthly monitoring until the community waterworks has established, by a rolling average of three monthly samples, that the PMCL is being met. Community waterworks owners who establish at the PMCL is being met must return to quarterly monitoring until they meet the requirements set forth in subdivision 2 a (2) or 2 b (1) of this subsection.

### 3. General monitoring and compliance requirements for radionuclides.

a. The commissioner may require more frequent monitoring than specified in subdivisions 1 and 2 of this subsection, or may require confirmation samples at his discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.

b. Each community waterworks owner shall monitor at the time designated by the commissioner during each compliance period.

c. Compliance: Compliance with 12 VAC 5-590-400 B 2 through 12 VAC 5-590-400 B 5 will be determined based on the analytical results(s) obtained at each entry point. If

one entry point is in violation of a PMCL, the community waterworks is in violation of the PMCL.

(1) For community waterworks monitoring more than once per year, compliance with the PMCL is determined by a running annual average at each entry point. If the average of any entry point is greater than the PMCL, then the community waterworks is out of compliance with the PMCL.

(2) For community waterworks monitoring more than once per year, if any sample result will cause the running average to exceed the PMCL at any entry point, the community waterworks is out of compliance with the PMCL immediately.

(3) Community waterworks owners must include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum required.

(4) If a community waterworks owner does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

(5) If a sample result is less than the detection limit as specified in Appendix B, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than the detection limit as specified in Appendix B, 1/2 the detection limit will be used to calculate the annual average.

d. The commissioner has the discretion to delete results of obvious sampling or analytic errors.

e. If the PMCL for radioactivity set forth in 12 VAC 5-590-400 B through 12 VAC 5-590-400 B 5 is exceeded, the owner of a community waterworks must give notice to the commissioner pursuant to 12 VAC 5-590-530 and to the public as required by 12 VAC 5-590-540.

### 12 VAC 5-590-410. Determination of compliance.

For the purposes of determining compliance with a PMCL or action level, the following criteria shall be used:

A. Bacteriological results. Compliance with the PMCL for coliform bacteria shall be determined as specified in 12 VAC 5-590-380 C. Repeat samples shall be used as a basis for determining compliance with these regulations.

B. Inorganic chemicals.

1. Antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium. Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, or thallium exceed the PMCL, the waterworks shall take a confirmation sample, at the same sampling point, within two weeks of notification of the analytical results of the first sample.



a. The results of the initial and confirmation samples shall be averaged to determine compliance with subdivision 1 c of this subsection. The commissioner has the discretion to delete results of obvious sampling errors.

b. The commissioner may require more frequent monitoring.

c. Compliance with antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium in Table 2.2 of 12 VAC 5-590-440 shall be determined based on the analytical result(s) obtained at each sampling point.

(1) For waterworks which are conducting monitoring more frequently than annually, compliance with the PMCL for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium is determined by a running annual average at each sampling point. If the average at any sampling point is greater than the PMCL, then the waterworks is out of compliance. If any one sample would cause the annual average to be exceeded, then the waterworks is out of compliance immediately. Any sample below the detection limit shall be calculated at zero for the purpose of determining the annual average. (NOTE: Refer to detection definition at 12 VAC 5-590-370 B 2 h.)

(2) For waterworks which are monitoring annually, or less frequently, the waterworks is out of compliance with the PMCL for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium if the average of the original sample and a confirmation sample of a contaminant at any sampling point is greater than the PMCL. However, if the confirmation sample is not collected, the waterworks is in violation of the PMCL for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, or thallium.

2. Nitrate and nitrite. Compliance with the PMCL is determined based on one sample from each sampling point if the levels of these contaminants are below the PMCLs. Where nitrate or nitrite sample results exceed the PMCL, the waterworks owner shall take a confirmation sample from the same sampling point that exceeded the PMCL within 24 hours of the waterworks' receipt of the analytical results of the first sample. The results of the initial and confirmation sample shall be averaged to determine compliance with this subdivision. Waterworks owners unable to comply with the 24-hour sampling requirement must immediately notify the consumers in the area served by the waterworks in accordance with 12 VAC 5-590-540. Waterworks exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample. The commissioner may require more frequent monitoring. The commissioner has the discretion to delete results of obvious sampling errors.

3. Compliance with the PMCL for arsenic is determined by the average of four analyses made pursuant to 12 VAC 5-

590-370 B 1 d (6). When the average is rounded off to the same number of significant figures as the PMCL and exceeds the PMCL the owner shall notify the commissioner and give notice to the public pursuant to 12 VAC 5-590-540. Monitoring after public notification shall be at a frequency designated by the commissioner and shall continue until the PMCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

## C. Organic chemicals.

1. VOCs and SOCs. A confirmation sample shall be required for positive results for contaminants listed in Table 2.3. The commissioner has the discretion to delete results of obvious sampling errors from this calculation.

a. The results of the initial and confirmation sample shall be averaged to determine the waterworks' compliance in accordance with subdivision 1 b of this subsection.

b. Compliance with Table 2.3 shall be determined based on the analytical results obtained at each sampling point.

(1) For waterworks which are conducting monitoring more frequently than annually, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the PMCL, then the waterworks is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the waterworks is out of compliance immediately. Any samples below the detection limit shall be calculated as zero for purposes of determining the annual average. (Note: Refer to detection definition at 12 VAC 5-590-370 B 2 h.)

(2) If monitoring is conducted annually, or less frequently, the waterworks is out of compliance if the level of a contaminant at any sampling point is greater than the PMCL. The determination of compliance will be based on the average of the initial and confirmation sample.

2. Disinfectant residuals, disinfection byproducts and disinfection byproduct precursors. ~~a. Trihalomethanes. Compliance with 12 VAC 5-590-370 B 3 a shall be determined based on a running annual average of quarterly samples taken in accordance with 12 VAC 5-590-370 B 3 a (1) through B 3 a (10) (e).~~ b. Compliance with 12 VAC 5-590-370 B 3 b a through B 3 k is as follows:

(1) a. General requirements.

(a) (1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the waterworks fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the waterworks' failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

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~~(b)~~ (2) All samples taken and analyzed under the provisions of this subpart must be included in determining compliance, even if that number is greater than the minimum required.

~~(e)~~ (3) If during the first year of monitoring under 12 VAC 5-590-370 B 3 b, any individual quarter's average will cause the running annual average of that waterworks to exceed the PMCL in Table 2.13, the waterworks is out of compliance at the end of that quarter.

~~(2)~~ b. Disinfection byproducts.

~~(a)~~ (1) TTHMs and HAA5.

~~(i)~~ (a) For waterworks monitoring quarterly, compliance with PMCLs in Table 2.13 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the waterworks as prescribed by 12 VAC 5-590-370 B 3 f e (1).

~~(ii)~~ (b) For waterworks monitoring less frequently than quarterly, the waterworks demonstrate PMCL compliance if the average of samples taken that year under the provisions of 12 VAC 5-590-370 B 3 f e (1) does not exceed the PMCLs in Table 2.13. If the average of these samples exceeds the PMCL, the waterworks must increase monitoring to once per quarter per treatment plant and such a waterworks is not in violation of the PMCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the PMCL, in which case the waterworks is in violation at the end of that quarter. Waterworks required to increase monitoring frequency to quarterly monitoring must calculate compliance by including the sample that triggered the increase monitoring plus the following three quarters of monitoring.

~~(iii)~~ (c) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the PMCL in Table 2.13, the waterworks is in violation of the PMCL and must notify the public pursuant to 12 VAC 5-590-540 in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530.

~~(iv)~~ (d) If a waterworks fails to complete four consecutive quarters of monitoring, compliance with the PMCL in Table 2.13 for the last four-quarter compliance period must be based on an average of the available data.

~~(b)~~ (2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the waterworks takes more than one sample, the average of all samples taken during the month) collected by the waterworks as prescribed by 12 VAC 5-590-370 B 3 h g. If the average of samples covering any consecutive four-quarter period exceeds the PMCL in Table 2.13, the waterworks is in violation of the PMCL and must

notify the public pursuant to 12 VAC 5-590-540, in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530. If a waterworks fails to complete 12 consecutive months' monitoring, compliance with the PMCL for the last four-quarter compliance period must be based on an average of the available data.

~~(e)~~ (3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by 12 VAC 5-590-370 B 3 g f (1) (b) and (c). If the arithmetic average of any three sample set exceeds the PMCL in Table 2.13, the waterworks is in violation of the PMCL and must notify the public pursuant to 12 VAC 5-590-540, in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530.

~~(3)~~ c. Disinfectant residuals.

~~(a)~~ (1) Chlorine and chloramines.

~~(i)~~ (a) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the waterworks under 12 VAC 5-590-370 B 3 i h (1) (a). If the average covering any consecutive four-quarter period exceeds the MRDL in Table 2.12, the waterworks is in violation of the MRDL and must notify the public pursuant to 12 VAC 5-590-540, in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530.

~~(ii)~~ (b) In cases where waterworks switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to 12 VAC 5-590-530 must clearly indicate which residual disinfectant was analyzed for each sample.

~~(b)~~ (2) Chlorine dioxide.

~~(i)~~ (a) Acute violations. Compliance must be based on consecutive daily samples collected by the waterworks under 12 VAC 5-590-370 B 3 i h (2) (a). If any daily sample taken at the entrance to the distribution system exceeds the MRDL in Table 2.12, and on the following day one (or more) of the three samples taken in the distribution system exceed the MRDL, the waterworks is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for Tier 1 conditions in 12 VAC 5-590-540 in addition to reporting to the commissioner in pursuant to 12 VAC 5-590-530. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the waterworks must notify the public of the violation in accordance with the provisions for Tier 1 conditions in 12 VAC 5-590-540 in addition to

reporting to the commissioner in pursuant to 12 VAC 5-590-530.

(ii) (b) Nonacute violations. Compliance must be based on consecutive daily samples collected by the waterworks under 12 VAC 5-590-370 B 3 i h (2) (a). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL in Table 2.12 and all distribution system samples taken are below the MRDL, the waterworks is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and shall notify the public pursuant to the procedures for Tier 2 conditions in 12 VAC 5-590-540 in addition to reporting to the commissioner in pursuant to 12 VAC 5-590-530. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the waterworks must notify the public of the violation in accordance with the provisions for Tier 2 conditions in 12 VAC 5-590-540 in addition to reporting to the commissioner in pursuant to 12 VAC 5-590-530.

(c) Disinfection byproduct precursors (DBPP). Compliance must be determined as specified by 12 VAC 5-590-420 H 3. Waterworks may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the waterworks. This monitoring is not required and failure to monitor during this period is not a violation. However, any waterworks that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in 12 VAC 5-590-420 H 2 b and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to 12 VAC 5-590-420 H 2 c and is in violation. Waterworks may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For waterworks required to meet Step 1 TOC removals, if the value calculated under 12 VAC 5-590-420 H 3 a ~~(5)~~ (4) is less than 1.00, the waterworks is in violation of the treatment technique requirements and must notify the public pursuant to 12 VAC 5-590-540 in addition to reporting to the commissioner pursuant to 12 VAC 5-90-530.

D. Radiological results (gross alpha, combined radium-226 and radium-228, uranium and man-made radioactivity). Compliance with the radiological Primary Maximum Contaminant Levels shall be in accordance with 12 VAC 5-590-370 D 3 c. Primary Maximum Contaminant Levels are indicated in subsection B of Table 2.5. Sampling for radiological analysis shall be in compliance with 12 VAC 5-590-370 D 1 and D 2. Furthermore, compliance shall be determined by rounding off results to the same number of

significant figures as the Primary Maximum Contaminant Level for the substance in question.

#### E. Lead and copper action levels.

1. The lead action level is exceeded if the concentration of lead in more than 10% of tap water samples collected during any monitoring period conducted in accordance with 12 VAC 5-590-370 B 6 a is greater than 0.015 mg/l (i.e., if the "90th percentile" lead level is greater than 0.015 mg/l).

2. The copper action level is exceeded if the concentration of copper in more than 10% of tap water samples collected during any monitoring period conducted in accordance with 12 VAC 5-590-370 B 6 a is greater than 1.3 mg/l (i.e., if the "90th percentile" copper level is greater than 1.3 mg/l).

3. The 90th percentile lead and copper levels shall be computed as follows:

a. The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

b. The number of samples taken during the monitoring period shall be multiplied by 0.9.

c. The contaminant concentration in the numbered sample yielded by the calculation in subdivision 3 b of this subsection is the 90th percentile contaminant level.

d. For waterworks serving fewer than 100 people that collect five samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

F. Turbidity. The requirements in this subsection apply to filtered waterworks until June 29, 1993. The requirements in this section apply to unfiltered waterworks with surface water sources or groundwater sources under the direct influence of surface water that are required to install filtration equipment until June 29, 1993, or until filtration is installed, whichever is later. When a sample exceeds the PMCL for turbidity a confirmation sample shall be collected for analysis as soon as possible. In cases where a turbidimeter is required at the waterworks, the preferable resampling time is within one hour of the initial sampling. The repeat sample shall be the sample used for the purpose of calculating the monthly average. Compliance for public notification purposes shall be based on the monthly averages of the daily samples. However, public notification is also required if the average of samples taken on two consecutive days exceeds five NTU.

G. All analyses for PMCL and action level compliance determinations shall be consistent with current Environmental Protection Agency Regulations found at 40 CFR *Part* 141.

#### **12 VAC 5-590-420. Treatment technique requirement.**

This section establishes treatment technique requirements in lieu of maximum contaminant levels for specified

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contaminants. Failure to meet any requirement of this section after the applicable date specified is a treatment technique violation.

A. Beginning June 29, 1993, the filtration and disinfection provisions of this section are required treatment techniques for any waterworks supplied by a surface water source and waterworks supplied by a groundwater source under the direct influence of surface water. Prior to that date, waterworks are governed by the disinfection requirements of 12 VAC 5-590-500. In addition, this section establishes treatment technique requirements in lieu of PMCL's for the following contaminants: *Giardia lamblia*, viruses, heterotrophic bacteria (HPC), *Legionella* *Cryptosporidium* (for waterworks serving at least 10,000 people and using surface water or groundwater under the direct influence of surface water), and turbidity. Each waterworks with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

1. At least 99.9% (3-log) removal and/or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and
2. At least 99.99% (4-log) removal and/or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.
3. Beginning January 1, 2002, waterworks serving at least 10,000 people shall also reliably achieve at least 99% (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.
4. *Beginning January 1, 2005, waterworks serving less than 10,000 people shall also reliably achieve at least 99% (2-log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.*

B. A waterworks using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection A of this section if it meets the following disinfection and filtration requirements:

1. Disinfection. Waterworks with a surface water source or a groundwater source under the direct influence of surface water must provide disinfection treatment in accordance with this section by June 29, 1993.

a. The disinfection treatment must be sufficient to ensure that the total treatment processes of that waterworks achieve at least 99.9% (3-log) inactivation and/or removal of *Giardia lamblia* cysts and at least 99.99% (4-log) inactivation and/or removal of viruses.

b. The residual disinfectant concentration in the water entering the distribution system cannot be less than 0.2 mg/L for more than four hours.

c. The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide cannot be undetectable in more than 5.0% of the samples each month, for any two consecutive months that the waterworks serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/mL, measured as heterotrophic plate count (HPC) is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Thus, the value "V" in percent in the following formula cannot exceed 5.0% in one month, for any two consecutive months.

$$V = (c + d + e) / (a + b) \times 100$$

a = number of instances where the residual disinfectant concentration is measured;

b = number of instances where the residual disinfectant concentration is not measured but HPC is measured;

c = number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

d = number of instances where no residual disinfectant concentration is detected and where the HPC is greater than 500/mL; and

e = number of instances where the residual disinfectant concentration is not measured and HPC is greater than 500/mL.

d. The division may determine, based on site-specific considerations, that a waterworks owner has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions and the waterworks is providing adequate disinfection in the distribution system, that the requirements of subdivision B 1 c of this section does not apply.

2. Filtration. (Also see 12 VAC 5-590-880.) All waterworks that use a surface water source or a groundwater source under the direct influence of surface water shall provide filtration treatment by June 29, 1993, by using one of the following methods:

a. Conventional filtration or direct filtration.

~~(1) The turbidity level of representative samples of a waterworks' filtered water shall be less than or equal to 0.5 NTU in at least 95% of the measurements taken each month, except that if the division determines that the system is capable of achieving at least 99.9% removal (3-log) and/or inactivation of *Giardia lamblia* cysts at some turbidity level higher than 0.5 NTU in at least 95% of the measurements taken each month, the division may substitute this higher turbidity limit for that waterworks. However, in no case may the division~~

~~approve a turbidity limit that allows more than one NTU in more than 5.0% of the samples taken each month.~~

~~(2) The turbidity level of representative samples of a waterworks' filtered water shall at no time exceed five NTU.~~

~~(3) Beginning January 1, 2002, waterworks serving at least 10,000 people that use and January 1, 2005, waterworks serving less than 10,000 people using conventional filtration treatment or direct filtration must:~~

~~(a) (1) Achieve a filtered water turbidity of less than or equal to 0.3 NTU in at least 95% of the measurements taken each month. Samples must be representative of the waterworks' filtered water.~~

~~(b) (2) The turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU, measured as specified in 12 VAC 5-590-440.~~

~~(c) (3) A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the commissioner.~~

b. Slow sand filtration.

(1) The turbidity level of representative samples of a waterworks' filtered water must be less than or equal to one NTU in at least 95% of the measurements taken each month, except that if the division determines there is no significant interference with disinfection at a higher turbidity level, the division may substitute this higher turbidity limit for that waterworks.

(2) The turbidity level of representative samples of a waterworks' filtered water shall at no time exceed five NTU.

c. Diatomaceous earth filtration.

(1) The turbidity level of representative samples of a waterworks' filtered water shall be less than or equal to one NTU in at least 95% of the measurements taken each month.

(2) The turbidity level of representative samples of a waterworks' filtered water shall at no time exceed five NTU.

d. Other filtration technologies. A waterworks owner may use a filtration technology not listed in subdivisions 2 a through c of this subsection if the owner demonstrates to the division (by pilot plant studies or other means) that the alternative filtration technology, in combination with disinfection treatment, achieves 99.9% removal (3-log) and/or inactivation of *Giardia lamblia* cysts and, 99.99% removal (4-log) and/or inactivation of viruses, and beginning January 1, 2002, for waterworks serving at least 10,000 people, 99% removal (2-log) of *Cryptosporidium* oocysts. For a waterworks owner that makes this demonstration, a turbidity limit of representative samples of a waterworks' filtered water, not to exceed 0.3 NTU, will be established by the commissioner, which the waterworks must meet at least 95% of the time. In addition, the commissioner will establish a maximum turbidity limit of representative

samples of a waterworks' filtered water, not to exceed 1 NTU, that the waterworks must not exceed at any time. These turbidity limits shall consistently achieve the removal rates and/or inactivation rates stated in this subdivision.

e. Each waterworks using a surface water source or groundwater source under the direct influence of surface water shall be operated by licensed operators of the appropriate classification as per the Virginia Board for Waterworks and Wastewater Works Operators Regulations (18 VAC 155-20).

f. If the division has determined that a waterworks has a surface water source or a groundwater source under the direct influence of surface water, filtration is required. The waterworks shall provide disinfection during the interim before filtration is installed as follows:

(1) The residual disinfectant concentration in the distribution system cannot be less than 2.0 mg/L for more than four hours.

(2) The waterworks owner shall issue continuing boil water notices through the public notification procedure in 12 VAC 5-590-540 until such time as the required filtration equipment is installed.

(3) As an alternative to subdivisions B f 2 (1) and (2) of this section, the waterworks owner may demonstrate that the source can meet the appropriate C-T values shown in Appendix L and be considered to satisfy the requirements for 99.9% removal of *Giardia* cysts and virus, respectively. In addition, the waterworks owner must comply with the following:

(a) Justify that other alternative sources of supply meeting these regulations are not immediately available.

(b) Analysis of the source is performed quarterly for the contaminants listed in Tables 2.2, 2.3, and 2.4. The primary maximum contaminant levels shall not be exceeded.

(c) Daily turbidity monitoring and maintenance of the turbidity level not to exceed five NTU.

(d) MPN analysis of the raw water based on the minimum sample frequency chart below:

Population Served	Coliform Samples/Week
≤500	1
501 - 3,300	2
3,301 - 10,000	3
10,001 - 25,000	4
> 25,000	5

Note: Must be taken on separate days.

(e) Bacteriological sampling of the distribution system at a frequency of twice that required by Table 2.1.

C. Lead and copper corrosion control treatment requirements.

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1. The owners of all community and nontransient noncommunity waterworks shall install and operate optimum corrosion control treatment by completing the corrosion control treatment requirements described below which are applicable to such waterworks owners under subdivision C 2 of this section.

a. Waterworks owners proposal regarding corrosion control treatment. Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, the owners of small and medium-size waterworks exceeding the lead or copper action level shall propose installation of one or more of the corrosion control treatments listed in subdivision C 1 c (1) of this section which the waterworks owner believes constitutes optimal corrosion control for that waterworks. The commissioner may require the waterworks owner to conduct additional water quality parameter monitoring in accordance with 12 VAC 5-590-370 B 6 b (2) of this section to assist the commissioner in reviewing the proposal.

b. Applicability of studies of corrosion control treatment (applicable to small and medium-size waterworks). The commissioner may require the owner of any small or medium-size waterworks that exceeds the lead or copper action level to perform corrosion control studies under subdivision C 1 c of this section to identify optimal corrosion control treatment for the waterworks.

c. Corrosion control studies.

(1) The owner of any waterworks required by the commissioner to perform corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that waterworks:

- (a) Alkalinity and pH adjustment;
- (b) Calcium hardness adjustment; and
- (c) The addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective corrosion inhibitor residual concentration in all test tap samples.

(2) The waterworks owner shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other waterworks of similar size, water chemistry and distribution system configuration.

(3) The waterworks owner shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:

- (a) Lead;
- (b) Copper;
- (c) pH;
- (d) Alkalinity;

(e) Calcium;

(f) Conductivity;

(g) Orthophosphate (when an inhibitor containing a phosphate compound is used);

(h) Silicate (when an inhibitor containing a silicate compound is used);

(i) Water temperature.

(4) The waterworks owner shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:

(a) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another waterworks with comparable water quality characteristics; and/or

(b) Data and documentation demonstrating that the waterworks has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

(5) The waterworks owner shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

(6) On the basis of an analysis of the data generated during each evaluation, the waterworks owner shall propose to the field office in writing, the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that waterworks. The owner shall provide a rationale for its recommendation along with all supporting documentation specified in subdivision C 1 c (1) through (5) of this section.

d. Approval of optimal corrosion control treatment.

(1) Based upon consideration of available information including, where applicable, studies performed under subdivision C 1 c of this section and a waterworks' owner's proposed treatment alternative, the commissioner shall either approve the corrosion control treatment option recommended by the owner, or designate alternative corrosion control treatment(s) from among those listed in subdivision C 1 c (1) of this section. When approving optimal treatment the commissioner shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

(2) The commissioner shall notify the waterworks owner of its determination on optimal corrosion control treatment in writing and explain the basis for this determination. If the commissioner requests additional information to aid a review, the owner shall provide the information.

e. Installation of optimal corrosion control. Each waterworks owner shall properly install and operate throughout the waterworks the optimal corrosion control treatment approved by the commissioner under subdivision C 1 d of this section and under 12 VAC 5-590-190.

f. Commissioner's review of treatment and specification of optimal water quality control parameters.

(1) The commissioner shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the waterworks owner and determine whether the owner has properly installed and operated the optimal corrosion control treatment approved by the commissioner in subdivision C 1 d of this section. Upon reviewing the results of tap water and water quality parameter monitoring by the owner, both before and after the waterworks installs optimal corrosion control treatment, the commissioner shall designate:

(a) A minimum value or a range of values for pH measured at each entry point to the distribution system;

(b) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the commissioner determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the waterworks owner to optimize corrosion control;

(c) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the commissioner determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;

(d) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;

(e) if calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

(2) The values for the applicable water quality control parameters listed above shall be those that the commissioner determines to reflect optimal corrosion control treatment for the waterworks. The commissioner may designate values for additional water quality control parameters determined by the commissioner to reflect optimal corrosion control for the waterworks. The commissioner shall notify the waterworks owner in writing of these determinations and explain the basis for its decisions.

g. Continued operation and monitoring. The owners of all waterworks optimizing corrosion control shall continue to operate and maintain optimum corrosion control

treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the commissioner under subdivision C 1 f of this section, in accordance with this paragraph for all samples collected under 12 VAC 5-590-370 B 6 b (4), (5) and (6). Compliance with the requirements of this paragraph shall be determined every six months, as specified under 12 VAC 5-590-370 B 6 b (4). The owner of a waterworks is out of compliance with the requirements of this paragraph for a six-month period if excursions occur for any commissioner-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the commissioner. Daily values are calculated as follows. The commissioner has discretion to delete results of obvious sampling errors from this calculation.

(1) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.

(2) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.

(3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

h. Modification of the commissioner's treatment decisions. Upon his own initiative or in response to a request by a waterworks owner or other interested party, the commissioner may modify its determination of the optimal corrosion control treatment under subdivision C 1 d of this section or optimal water quality control parameters under subdivision C 1 f of this section. A request for modification by an owner or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The commissioner may modify the determination where it is concluded that such change is necessary to ensure that the waterworks continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the commissioner's decision, and provide an implementation schedule for completing the treatment modifications.

## 2. Corrosion control treatment steps.

a. Waterworks owners shall complete the applicable corrosion control treatment requirements described in subdivision C 1 of this section by the deadlines established in this section.

(1) The owner of a large waterworks (serving greater than 50,000 persons) shall complete the corrosion control treatment steps specified in subdivision C 2 d of

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this section, unless the owner is deemed to have optimized corrosion control under subdivision C 2 b (2) of this section or C 2 b (3) of this section.

(2) The owner of a small waterworks (serving less than 3,300 persons) and a medium-size waterworks (serving greater than 3,300 and less than 50,000 persons) shall complete the corrosion control treatment steps specified in subdivision C 2 e of this section, unless the owner is deemed to have optimized corrosion control under subdivision C 2 b (1) through (3) of this section.

b. A waterworks owner is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the waterworks satisfies one of the criteria specified in subdivisions C 2 b (1) through (3) below. The owner of any such waterworks that is deemed to have optimized corrosion control, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the commissioner determines appropriate to ensure optimal corrosion control treatment is maintained.

(1) The owner of a small or medium-size waterworks is deemed to have optimized corrosion control if the waterworks meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with 12 VAC 5-590-370 B 6 a.

(2) Any waterworks owner may be deemed by the commissioner to have optimized corrosion control treatment if the owner demonstrates to the satisfaction of the commissioner that the owner has conducted activities equivalent to the corrosion control steps applicable to such waterworks under this section. If the commissioner makes this determination, the owner shall be provided with a written notice explaining the basis for the decision and the notice shall specify the water quality control parameters representing optimal corrosion control in accordance with subdivision C 1 f of this section. Any waterworks owner deemed to have optimized corrosion control under this paragraph shall operate in compliance with the specified water quality control parameters in accordance with subdivision C 1 g of this section and continue to conduct lead and copper tap and water quality parameter sampling in accordance with 12 VAC 5-590-370 B 6 a (4) c and 12 VAC 5-590-370 B 6 b (4), respectively. The waterworks owner shall provide the district engineer with the following information in order to support a determination under this paragraph:

(a) The results of all test samples collected for each of the water quality parameters in subdivision C 1 c (3) of this section.

(b) A report explaining the test methods used by the waterworks owner to evaluate the corrosion control treatments listed in subdivision C 1 c (1) of this section, the results of all tests conducted, and the basis for the owner's selection of optimal corrosion control treatment;

(c) A report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and

(d) The results of tap water samples collected in accordance with 12 VAC 5-590-370 B 6 a at least once every six months for one year after corrosion control has been installed.

(3) Any waterworks is deemed to have optimized corrosion control if the owner submits results of tap water monitoring conducted in accordance with 12 VAC 5-590-370 B 6 a and source water monitoring conducted in accordance with 12 VAC 5-590-370 B 6 c that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level computed under 12 VAC 5-590-410 E, and the highest source water lead concentration, is less than the P Q L for lead (0.005 mg/L).

(a) Any waterworks owner that submits monitoring results indicating that the highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.

(b) Any waterworks owner deemed to have optimized corrosion control under this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in 12 VAC 5-590-370 B 6 a (3) and collecting the samples at times and locations specified in 12 VAC 5-590-370 B 6 a (4) (d) (iv). Any such waterworks owner that has not conducted a round of monitoring pursuant to 12 VAC 5-590-370 B 6 a (4) Since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.

(c) Any waterworks owner deemed to have optimized corrosion control pursuant to this paragraph shall notify the district engineer in writing pursuant to 12 VAC 5-590-530 D 1 c of any change in treatment or the addition of a new water source. The commissioner may require the owner of any such waterworks to conduct additional monitoring or to take other actions the commissioner deems appropriate to ensure that minimum levels of corrosion control are being maintained in the distribution system.

(d) As of July 12, 2001, a waterworks owner is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment specified in subdivision C 2 b (3) e of this section unless the copper action level is met.

(e) Any waterworks owner triggered into corrosion control because the waterworks no longer is deemed



to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in subdivision C 2 e of this section. The owner of any such large waterworks shall adhere to the schedule specified in that paragraph for medium-size systems, with the time period for completing each step being triggered by the date the waterworks owner is no longer deemed to have optimized corrosion control treatment under this paragraph.

c. The owner of any small or medium-size waterworks that is required to complete the corrosion control steps due to the exceedance of the lead or copper action level may cease completing the treatment steps whenever the waterworks meets both action levels during each of two consecutive monitoring periods conducted pursuant to 12 VAC 5-590-370 B 6 a and submits the results to the field office. If any such waterworks thereafter exceeds the lead or copper action level during any monitoring period, the owner shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The commissioner may require the owner to repeat treatment steps previously completed where the commissioner determines that this is necessary to properly implement the treatment requirements of this section. The commissioner shall notify the owner in writing of such a determination and explain the basis for its decision. The requirement for the owner of any small- or medium-sized waterworks to implement corrosion control treatment steps in accordance with subdivision 2 e of this subsection (including waterworks deemed to have optimized corrosion control under subdivision 2 b (1) of this subsection) is triggered whenever any small- or medium-sized waterworks exceeds the lead or copper action level.

d. Treatment steps and deadlines for large waterworks. Except as provided in subdivisions C 2 b (2) and (3) of this section, owners of large waterworks shall complete the following corrosion control treatment steps (described in the referenced portions of subdivision C 1 of this section, 12 VAC 5-590-370 B 6 a and b) by the indicated dates.

(1) Step 1: The waterworks owner shall conduct initial monitoring (12 VAC 5-590-370 B 6 a (4) (a) and B 6 b (2)) during two consecutive six-month monitoring periods by January 1, 1993.

(2) Step 2: The waterworks owner shall complete corrosion control studies (12 VAC 5-590-420 C 1 c) and submit the study and recommendations to the commissioner (12 VAC 5-590-200) by July 1, 1994.

(3) Step 3: The commissioner shall approve optimal corrosion control treatment (12 VAC 5-590-420 C 1 d) by January 1, 1995.

(4) Step 4: The waterworks owner shall install optimal corrosion control treatment (12 VAC 5-590-420 C 1 e) by January 1, 1997.

(5) Step 5: The waterworks owner shall complete follow-up sampling (12 VAC 5-590-370 B 6 a (4) (b) and B 6 b (3)) by January 1, 1998.

(6) Step 6: The commissioner shall review installation of treatment and designate optimal water quality control parameters (12 VAC 5-590-420 C 1 f) by July 1, 1998.

(7) Step 7: The waterworks owner shall operate the waterworks in compliance with the commissioner-specified optimal water quality control parameters (12 VAC 5-590-420 C 1 g) and continue to conduct tap sampling (12 VAC 5-590-370 B 6 a (4) (c) and B 6 b (4)).

e. Treatment steps and deadlines for small and medium-size waterworks. Except as provided in 12 VAC 5-590-420 C 2 b, owners of small- and medium-size waterworks shall complete the following corrosion control treatment steps (described in the referenced portions of 12 VAC 5-590-420 C 1, 12 VAC 5-590-370 B 6 a and b) by the indicated time periods.

(1) Step 1: The waterworks owner shall conduct initial tap sampling (12 VAC 5-590-370 B 6 a (4) (a) and B 6 b (2)) until the waterworks either exceeds the lead or copper action level or becomes eligible for reduced monitoring under 12 VAC 5-590-370 B 6 a (4) (d). The owner of a waterworks exceeding the lead or copper action level shall propose optimal corrosion control treatment (12 VAC 5-590-420 C 1 a) within six months after it exceeds one of the action levels.

(2) Step 2: Within 12 months after a waterworks exceeds the lead or copper action level, the commissioner may require the waterworks owner to perform corrosion control studies (12 VAC 5-590-420 C 1 b). If the commissioner does not require the owner to perform such studies, the commissioner shall specify optimal corrosion control treatment (12 VAC 5-590-420 C 1 d) within the following timeframes:

(a) For medium-size waterworks, within 18 months after such waterworks exceeds the lead or copper action level;

(b) For small waterworks, within 24 months after such waterworks exceeds the lead or copper action level.

(3) Step 3: If the commissioner requires a waterworks owner to perform corrosion control studies under Step 2, the waterworks owner shall complete the studies (12 VAC 5-590-420 C 1 c) and submit the study and recommendations to the commissioner (12 VAC 5-590-200) within 18 months after the commissioner requires that such studies be conducted.

(4) Step 4: If the waterworks has performed corrosion control studies under Step 2, the commissioner shall designate optimal corrosion control treatment (12 VAC 5-590-420 C 1 d) within six months after completion of Step 3.

(5) Step 5: The waterworks shall install optimal corrosion control treatment (12 VAC 5-590-420 C 1 e)

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within 24 months after the commissioner designates such treatment.

(6) Step 6: The waterworks owner shall complete follow-up sampling (12 VAC 5-590-370 B 6 a (4) (b) and B 6 b (3)) within 36 months after the commissioner designates optimal corrosion control treatment.

(7) Step 7: The commissioner shall review the waterworks owner's installation of treatment and designate optimal water quality control parameters (12 VAC 5-590-420 C 1 f) within six months after completion of Step 6.

(8) Step 8: The waterworks owner shall operate in compliance with the commissioner designated optimal water quality control parameters (12 VAC 5-590-420 C 1 g) and continue to conduct tap sampling (12 VAC 5-590-370 B 6 a (4) (c) and B 6 b (4)).

D. Water supply (source water) treatment requirements for lead and copper. The owner of any waterworks exceeding the lead or copper action level shall complete the applicable water supply monitoring and treatment requirements (described in the referenced portions of subdivision D 2 of this section, and in 12 VAC 5-590-370 B 6 a and c) by the following deadlines.

1. Deadlines for completing water supply treatment steps.

a. Step 1: The owner of a waterworks exceeding the lead or copper action level shall complete lead and copper water supply monitoring (12 VAC 5-590-370 B 6 c (2)) and make a treatment proposal to the appropriate field office within six months after exceeding the lead or copper action level.

b. Step 2: The commissioner shall make a determination regarding the need for water supply treatment (12 VAC 5-590-420 D 2 b) within six months after submission of monitoring results under Step 1.

c. Step 3: If the commissioner requires installation of water supply treatment, the waterworks owner shall install the treatment (12 VAC 5-590-420 D 3) within 24 months after completion of Step 2.

d. Step 4: The waterworks owner shall complete follow-up tap water monitoring (12 VAC 5-590-370 B 6 a (4) (b)) and water supply lead and copper monitoring (12 VAC 5-590-370 B 6 c (3)) within 36 months after completion of Step 2.

e. Step 5: The commissioner shall review the waterworks owner's installation and operation of water supply treatment and specify maximum permissible water supply lead and copper levels (12 VAC 5-590-420 D 4) within six months after completion of Step 4.

f. Step 6: The waterworks owner shall operate in compliance with the commissioner-specified maximum permissible lead and copper water supply levels (12 VAC 5-590-420 D 4) and continue water supply monitoring (12 VAC 5-590-370 B 6 c (4) (a)).

2. Description of water supply treatment requirements.

a. Waterworks treatment recommendation. The owner of any waterworks which exceeds the lead or copper action level shall propose in writing to the appropriate field office, the installation and operation of one of the water supply treatments listed in subdivision D 2 b of this section. An owner may propose that no treatment be installed based upon a demonstration that water supply treatment is not necessary to minimize lead and copper levels at users' taps.

b. Commissioner's determination regarding water supply treatment. The commissioner shall complete an evaluation of the results of all water supply samples submitted by the waterworks owner to determine whether water supply treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the division determines that treatment is needed, the commissioner shall either require installation and operation of the water supply treatment recommended by the waterworks (if any) or require the installation and operation of another water supply treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the commissioner requests additional information to aid in the review, the waterworks shall provide the information by the date specified by the commissioner in the request. The commissioner shall notify the waterworks in writing of the determination and set forth the basis for the decision.

3. Installation of water supply treatment. Each waterworks owner shall properly install and operate the water supply treatment designated by the commissioner under subdivision D 2 b of this section.

4. Commissioner's review of water supply treatment and specification of maximum permissible water supply lead and copper levels. The commissioner shall review the water supply samples taken by the waterworks owner both before and after the waterworks owner installs water supply treatment, and determine whether the owner has properly installed and operated the water supply treatment designated by the commissioner. Based upon the review, the commissioner shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The commissioner shall notify the owner in writing and explain the basis for the decision.

5. Continued operation and maintenance. Each waterworks shall be operated to maintain lead and copper levels below the maximum permissible concentrations designated by the commissioner at each sampling point monitored in accordance with 12 VAC 5-590-370 B 6 c. The waterworks is out of compliance with this subdivision if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the commissioner.

6. Modification of the commissioner's treatment decisions. Upon his own initiative or in response to a request by a waterworks owner or other interested party, the commissioner may modify its determination of the water

supply treatment under D 2 b of this section, or may modify the maximum permissible lead and copper concentrations for finished water entering the distribution system under subdivision D 4 of this section. A request for modification by an owner or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The commissioner may modify the determination where he concludes that such change is necessary to ensure that the waterworks continues to minimize lead and copper concentrations in water supplies. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the commissioner's decision, and provide an implementation schedule for completing the treatment modifications.

## E. Lead service line replacement requirements.

1. Owners of waterworks that fail to meet the lead action level in tap samples taken pursuant to 12 VAC 5-590-370 B 6 a (4) (b), after installing corrosion control and/or water supply treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a waterworks is in violation of subdivision C 2 of this section or subsection D of this section for failure to install water supply or corrosion control treatment, the commissioner may require the owner to commence lead service line replacement under this section after the date by which the owner was required to conduct monitoring under 12 VAC 5-590-370 B 6 a (4) (b) has passed.

2. A waterworks owner shall replace annually at least 7.0% of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The waterworks owner shall identify the initial number of lead service lines in its distribution system, including an identification of the portion or portions owned by the waterworks, based upon a materials evaluation, including the evaluation required under 12 VAC 5-590-370 B 6 a (1) (a) and relevant authorities (e.g., contracts, local ordinances) regarding the portion owned by the waterworks. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in subdivision E 1 of this section.

3. A waterworks owner is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to 12 VAC 5-590-370 B 6 a (2) (c), is less than or equal to 0.015 mg/L.

4. A waterworks owner shall replace that portion of the lead service line that is owned by the waterworks. In cases where the waterworks owner does not own the entire lead service line, the waterworks owner shall notify the building owner, or the building owner's authorized agent, that the waterworks owner will replace that portion of the service line that is owned by the waterworks and shall offer to replace the building owner's portion of the line. The waterworks owner is not required to bear the cost of replacing the building owner's portion of the service line, nor is the waterworks owner required to replace the building owner's portion where the waterworks owner chooses not to pay the

cost of replacing the building owner's portion of the line, or where replacing the building owner's portion would be precluded by state, local or common law. A waterworks owner that does not replace the entire length of the service line also shall complete the following tasks.

a. At least 45 days prior to commencing with the partial replacement of a lead service line, the waterworks owner shall provide notice to the resident or residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The commissioner may allow the waterworks owner to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the waterworks owner shall inform the resident or residents served by the line that the waterworks owner will, at the waterworks owner's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed in 12 VAC 5-590-370 B 6 a (2) (c), within 72 hours after the completion of the partial replacement of the lead service line. The waterworks owner shall collect the sample and report the results of the analysis to the building owner and resident or residents served by the line within three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results shall be considered "on time."

b. The waterworks owner shall provide the information required by subdivision E 4 a of this section to the residents of individual dwellings by mail or by other methods approved by the commissioner. In instances where multi-family dwellings are served by the line, the waterworks owner shall have the option to post the information at a conspicuous location.

5. The commissioner shall require a waterworks owner to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the waterworks, where such a shorter replacement schedule is feasible. The commissioner shall make this determination in writing and notify the owner of the findings within 6 months after the waterworks is triggered into lead service line replacement based on monitoring referenced in subdivision E 1 of this section.

6. Any waterworks owner may cease replacing lead service lines whenever first draw tap samples collected pursuant to 12 VAC 5-590-370 B 6 a (2) (b) meet the lead action level during each of two consecutive monitoring periods and the owner submits the results to the appropriate district engineer. If the first draw tap samples collected in any such waterworks thereafter exceeds the lead action level, the owner shall recommence replacing lead service lines, pursuant to subdivision E 2 of this section.

7. To demonstrate compliance with subdivisions E 1 through E 4 of this section, a waterworks owner shall report to the appropriate field office the information specified in 12 VAC 5-590-530 D 5.

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F. Lead public education requirements. The owner of a waterworks that exceeds the lead action level based on tap water samples collected in accordance with 12 VAC 5-590-370 B 6 a shall deliver the public education materials contained in subdivisions F 1 and 2 of this section in accordance with the requirements in subdivision F 3 of this section.

1. Content of written public education materials. A waterworks owner shall include the following text in all of the printed materials distributed through the lead public education program.

a. Community waterworks. The owner of a community waterworks shall include the following text in all of the printed materials it distributes through the lead public education program. Waterworks owners may delete information pertaining to lead service line replacement, upon approval by the commissioner, if no lead service lines exist anywhere in the waterworks service area. Public education language in subdivisions F 1 a (4) (b) (v) and F 1 a (4) (d) (ii) of this section may be modified regarding building permit record availability and consumer access to these records, if approved by the commissioner. Waterworks owners may also continue to utilize pre-printed materials that meet the public education language requirements in 40 CFR 141.85, effective November 6, 1991, and contained in the 40 CFR Parts 100 to 149, edition revised as of July 1, 1991. Any additional information presented by a waterworks owner shall be consistent with the information below and be in plain English that can be understood by lay people.

(1) Introduction. The United States Environmental Protection Agency (EPA) and (insert name of waterworks) are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your waterworks). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at (insert waterworks phone number). This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

(2) Health effects of lead. Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years

and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that will not hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination like dirt and dust that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(3) Lead in drinking water.

(a) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20% or more of a person's total exposure to lead.

(b) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

(c) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

(4) Steps you can take in the home to reduce exposure to lead in drinking water.

(a) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. (The waterworks owners should contact the Division of Consolidated Laboratory ~~Service Services~~ at (804) 786-3411 for a list of certified laboratories in their area). For more information on having your water tested, please call (insert phone number of waterworks).

(b) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

(i) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than (insert a cost estimate based on flushing two times a day for 30 days) per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

(ii) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove or microwave.

(iii) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from three to five minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

(iv) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the local building official in your city or county.

(v) Determine whether the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by

contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking your localities' record of building permits which should be maintained in the files of the (insert name of department that issues building permits). A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The waterworks that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line we own. Since the line is only partially owned by the (insert the name of the city, county, or waterworks that owns the line), we are required to provide the owner of the privately-owned portion of the line with information on how to replace the privately-owned portion of the service line, and offer to replace that portion of the line at the line owner's expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days of receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes and must comply with local plumbing codes.

(vi) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

(c) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures.

(i) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure

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to check the actual performance of a specific home treatment device before and after installing the unit.

(ii) Purchase bottled water for drinking and cooking.

(d) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(i) (Insert the name of the waterworks) at (insert phone number) can provide you with information about your community's waterworks and a list of local laboratories that have been certified by Division of Consolidated Laboratory Services for testing water quality.

(ii) (Insert the name of city or county department that issues building permits) at (insert phone number) can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home.

(iii) The Medical Director of (Insert the name of the city or county) Health Department, and the Virginia Department of Health Division of Child and Adolescent Health, Lead Safe Virginia Program Director at 1-877-668-7987 can provide you with information about the health effects of lead and how you can have your child's blood tested.

(e) The following is a list of some state-approved laboratories in your area that you can call to have your water tested for lead. (Insert names and phone numbers of at least two laboratories.)

b. Nontransient noncommunity waterworks. The owner of a nontransient noncommunity waterworks shall either include the text specified in subdivision F 1 a of this section or shall include the following text in all of the printed materials it distributes through its lead public education program. The waterworks owner may delete information pertaining to lead service lines upon approval by the commissioner if no lead service lines exist anywhere in the waterworks service area. Any additional information presented by a waterworks owner shall be consistent with the information below and be in plain English that can be understood by lay people.

(1) Introduction. The United States Environmental Protection Agency (EPA) and (insert name of waterworks) are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter (mg/L) of water. Under federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your waterworks). This program includes corrosion control treatment, water

supply treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation, please give us a call at (insert waterworks phone number). This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(2) Health effects of lead. Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery, porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination like dirt and dust that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(3) Lead in drinking water.

(a) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20% or more of a person's total exposure to lead.

(b) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

(c) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(4) Steps you can take to reduce exposure to lead in drinking water.

(a) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet for about 15 to 30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one gallon of water.

(b) Do not cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and then heat it.

(c) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

(d) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(i) (Insert the name or title of facility official if appropriate) at (insert phone number) can provide you with information about your facility's water supply; and

(ii) The Medical Director of Insert the name of the city or county Health Department, and the Virginia Department of Health, Division of Child and Adolescent Health, Lead Safe Virginia Program Director at 1-877-668-7987 can provide you with information about the health effects of lead.

2. Content of broadcast materials. A waterworks owner shall include the following information in all public service announcements submitted under the lead public education program to television and radio stations for broadcasting:

a. Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for (insert free or \$ per sample). You can contact the (insert the name of the waterworks) for information on testing and on simple ways to reduce your exposure to lead in drinking water.

b. To have your water tested for lead, or to get more information about this public health concern, please call (insert the phone number of the waterworks).

3. Delivery of a public education program.

a. In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).

b. The owner of a community waterworks that exceeds the lead action level on the basis of tap water samples collected in accordance with 12 VAC 5-590-370 B 6 a, and that is not already repeating public education tasks pursuant to subdivisions F 3 c, F 3 g, or F 3 h of this section, shall, within 60 days:

(1) Insert notices in each customer's water utility bill containing the information in subdivision F 1 of this section, along with the following alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION." The owner of a community waterworks having a billing cycle that does not include a billing within 60 days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its billing system, may use a separate mailing to deliver the information in subdivision F 1 a of this section as long as the information is delivered to each customer within 60 days of exceeding the action level. The owner of such waterworks shall also include the "alert" language specified in this paragraph.

(2) Submit the information in subdivision F 1 of this section to the editorial departments of the major daily and weekly newspapers circulated throughout the community.

(3) Deliver pamphlets and/or brochures that contain the public education materials in subdivisions F 1 b and d of this section to facilities and organizations, including the following:

(a) Public schools and/or local school boards;

(b) City or county health department;

(c) Women, Infants, and Children and/or Head Start Program(s) whenever available;

(d) Public and private hospitals and/or clinics;

(e) Pediatricians;

(f) Family planning clinics; and

(g) Local welfare agencies.

(4) Submit the public service announcement in subdivision F 2 of this section to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the waterworks.

c. The owner of a community waterworks shall repeat the tasks contained in subdivisions F 3 b (1), (2), and (3) of this section every 12 months, and the tasks contained in subdivision F 3 b (4) of this section every six months for as long as the waterworks exceeds the lead action level.

d. Within 60 days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to subdivision F 3 e of this section), the owner of a nontransient noncommunity waterworks shall deliver

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the public education materials contained in subdivisions F 1 a or the public education materials specified by subdivision F 1 b of this section as follows:

(1) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the waterworks; and

(2) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the nontransient noncommunity waterworks. The commissioner may allow the waterworks owner to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

e. The owner of a nontransient noncommunity waterworks shall repeat the tasks contained in subdivision F 3 d of this section at least once during each calendar year in which the waterworks exceeds the lead action level.

f. A waterworks owner may discontinue delivery of public education materials if the waterworks has met the lead action level during the most recent six-month monitoring period conducted pursuant to 12 VAC 5-590-370 B 6 a. The owner shall recommence public education in accordance with this section if the waterworks subsequently exceeds the lead action level during any monitoring period.

g. The owner of a community waterworks may apply to the district engineer, in writing, (unless the commissioner has waived the requirement for prior approval) to use the text specified in subdivision F 1 b of this section in lieu of the text in subdivision F 1 a of this section and to perform the tasks listed in subdivisions F 3 d and F 3 e of this section in lieu of the tasks in subdivisions F 3 b and F 3 c of this section if:

(1) The waterworks serves a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(2) The waterworks owner provides water as part of the cost of services provided and does not separately charge for water consumption.

h. The owner of a community water system serving 3,300 or fewer people may omit the task contained in subdivision F 3 b (4) of this section. As long as the owner distributes notices containing the information contained in subdivision F 1 a of this section to every household served by the waterworks, such waterworks owners may further limit their public education programs as follows:

(1) Waterworks serving 500 or fewer people may forego the task contained in subdivision F 3 b (2) of this section. Such a waterworks owner may limit the distribution of the public education materials required under subdivision F 3 b (3) of this section to facilities and organizations served by the waterworks that are most likely to be visited regularly by pregnant women

and children, unless it is notified by the commissioner in writing that it must make a broader distribution.

(2) If approved by the commissioner in writing, a waterworks owner serving 501 to 3,300 people may omit the task in subdivision F 3 b (2) of this section and/or limit the distribution of the public education materials required under subdivision F 3 b (3) of this section to facilities and organizations served by the waterworks that are most likely to be visited regularly by pregnant women and children.

i. The owner of a community waterworks serving 3,300 or fewer people that delivers public education in accordance with subdivision F 3 h of this section shall repeat the required public education tasks at least once during each calendar year in which the waterworks exceeds the lead action level.

4. Supplemental monitoring and notification of results. The owner of a waterworks that fails to meet the lead action level on the basis of tap samples collected in accordance with 12 VAC 5-590-370 B 6 a shall offer to sample the tap water of any customer who requests it. The owner is not required to pay for collecting or analyzing the sample, nor is the owner required to collect and analyze the sample itself.

G. Beginning January 1, 1993, each waterworks owner shall certify annually in writing to the commissioner (using third party or manufacturer's certification) that, when polymers containing acrylamide or epichlorohydrin are used by the waterworks in drinking water systems, the combination (or product) of dose and monomer level does not exceed the following specified levels: Acrylamide = 0.05% dosed at 1 ppm (or equivalent) of polymer. Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent) of polymer. Certifications may rely on manufacturers or third parties, as approved by the commissioner.

H. Treatment technique for control of disinfection byproduct (DBPP) precursors.

1. Applicability.

a. Waterworks that use surface water or groundwater under the direct influence of surface water using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in subdivision H 2 of this section unless the waterworks meets at least one of the alternative compliance criteria listed in subdivision H 1 b or c of this section.

b. Alternative compliance criteria for enhanced coagulation and enhanced softening waterworks. Waterworks that use surface water or groundwater under the direct influence of surface water provided with conventional filtration treatment may use the alternative compliance criteria in subdivisions H 1 b (1) through (6) of this section to comply with this section in lieu of complying with subdivision H 2 of this section. Waterworks must still comply with monitoring requirements in 12 VAC 5-590-370 B 3 j i.



(1) The waterworks' source water TOC level, measured according to 12 VAC 5-590-440, is less than 2.0 mg/L, calculated quarterly as a running annual average.

(2) The waterworks' treated water TOC level, measured according to 12 VAC 5-590-440, is less than 2.0 mg/L, calculated quarterly as a running annual average.

(3) The waterworks' source water TOC level, measured according to 12 VAC 5-590-440, is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to 12 VAC 5-590-440, is greater than 60 mg/L (as CaCO<sub>3</sub>), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance in 12 VAC 590-370 B 3 b a, the waterworks has made a clear and irrevocable financial commitment not later than the effective date for compliance in 12 VAC 590-370 B 3 b a to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Waterworks must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the commissioner for approval not later than the effective date for compliance in 12 VAC 590-370 B 3 b a. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation of these regulations.

(4) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the waterworks uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(5) The waterworks' source water SUVA, prior to any treatment and measured monthly according to 12 VAC 5-590-440, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(6) The waterworks' finished water SUVA, measured monthly according to 12 VAC 5-590-440, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

c. Additional alternative compliance criteria for softening waterworks. Waterworks practicing enhanced softening that cannot achieve the TOC removals required by subdivision H 2 b of this section may use the alternative compliance criteria in subdivisions H 1 c (1) and (2) of this section in lieu of complying with subdivision H 2 of this section. Waterworks must still comply with monitoring requirements in 12 VAC 5-590-370 B 3 f(4) i.

(1) Softening that results in lowering the treated water alkalinity to less than 60 mg/L (as CaCO<sub>3</sub>), measured monthly according to 12 VAC 5-590-440 and calculated quarterly as a running annual average.

(2) Softening that results in removing at least 10 mg/L of magnesium hardness (as CaCO<sub>3</sub>), measured monthly and calculated quarterly as an annual running average.

2. Enhanced coagulation and enhanced softening performance requirements.

a. Waterworks must achieve the percent reduction of TOC specified in subdivision H 2 b of this section between the source water and the combined filter effluent, unless the commissioner approves a waterworks' request for alternate minimum TOC removal (Step 2) requirements under subdivision H 2 c of this section.

b. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 12 VAC 5-590-440. Waterworks practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity greater than 120 mg/L) for the specified source water TOC:

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Community or Nontransient Noncommunity Waterworks That Use Surface Water or Groundwater Under the Direct Influence of Surface Water Using Conventional Treatment<sup>1, 2</sup>

Source-water TOC mg/L	Source-water alkalinity, mg/L as CaCO <sub>3</sub>		
	0-60	>60-120	>120 <sup>3</sup>
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

<sup>1</sup>Waterworks meeting at least one of the conditions in subdivisions H 1 b (1) through (6) of this section are not required to operate with enhanced coagulation.

<sup>2</sup>Softening waterworks meeting one of the alternative compliance criteria in subdivision H 1 c of this section are not required to operate with enhanced softening.

<sup>3</sup>Waterworks practicing softening must meet the TOC removal requirements in this column.

c. Waterworks that use surface water or groundwater under the direct influence of surface water with conventional treatment systems that cannot achieve the Step 1 TOC removals required by subdivision H 2 b of this section due to water quality parameters or operational constraints must apply to the commissioner, within three months of failure to achieve the TOC removals required by subdivision H 2 b of this section, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the waterworks. If the commissioner approves the alternative minimum TOC removal (Step 2) requirements, the commissioner may make those requirements retroactive for the purposes of determining compliance. Until the commissioner approves the alternate minimum TOC removal (Step 2) requirements, the waterworks must meet the Step 1 TOC removals contained in subdivision H 2 b of this section.

d. Alternate minimum TOC removal (Step 2) requirements. Applications, made to the commissioner by waterworks using enhanced coagulation, for approval

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of alternative minimum TOC removal (Step 2) requirements under subdivision H 2 c of this section must include, at a minimum, results of bench- or pilot-scale testing conducted under subdivision H 2 d (1) of this section. The submitted bench- or pilot-scale testing must be used to determine the alternate enhanced coagulation level.

(1) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described in subdivisions H 2 d (1) through (5) of this section such that an incremental addition of 10 mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of equal to or less than 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the waterworks. Once approved by the commissioner, this minimum requirement supersedes the minimum TOC removal required by the table in subdivision H 2 b of this section. This requirement will be effective until such time as the commissioner approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve the alternative minimum TOC removal levels set by the commissioner is a violation of these regulations.

(2) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in the following table:

Enhanced Coagulation Step 2 Target pH

Alkalinity (mg/L as CaCO <sub>3</sub> )	Target pH
0-60	5.5
>60-120	6.3
>120-240	7.0
>240	7.5

(3) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the waterworks must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.

(4) The waterworks may operate at any coagulant dose or pH necessary (consistent with other sections of these regulations) to achieve the minimum TOC percent removal approved under subdivision H 2 c of this section.

(5) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The waterworks

may then apply to the commissioner for a waiver of enhanced coagulation requirements.

### 3. Compliance calculations.

a. Waterworks that use surface water or groundwater under the direct influence of surface water other than those identified in subdivision H 1 b or H 1 c of this section must comply with requirements contained in subdivision H 2 b or H 2 c of this section. Waterworks must calculate compliance quarterly, beginning after the waterworks has collected 12 months of data, by determining an annual average using the following method:

(1) Determine actual monthly TOC percent removal, equal to:

$$(1 - (\text{treated water TOC} / \text{source water TOC})) \times 100$$

(2) Determine the required monthly TOC percent removal (from either the table in subdivision H 2 b of this section or from subdivision H 2 c of this section).

(3) Divide the value in subdivision H 3 a (1) of this section by the value in subdivision H 3 a (2) of this section.

(4) Add together the results of subdivision H 3 a (3) of this section for the last 12 months and divide by 12.

(5) If the value calculated in subdivision H 3 a (4) of this section is less than 1.00, the waterworks is not in compliance with the TOC percent removal requirements.

b. Waterworks may use the provisions in subdivisions H 3 b (1) through (5) of this section in lieu of the calculations in subdivisions H 3 a (1) through (5) of this section to determine compliance with TOC percent removal requirements.

(1) In any month that the waterworks' treated or source water TOC level, measured according to 12 VAC 5-590-440, is less than 2.0 mg/L, the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(2) In any month that a waterworks practicing softening removes at least 10 mg/L of magnesium hardness (as CaCO<sub>3</sub>), the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(3) In any month that the waterworks' source water SUVA, prior to any treatment and measured according to 12 VAC 5-590-440, is equal to or less than 2.0 L/mg-m, the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(4) In any month that the waterworks' finished water SUVA, measured according to 12 VAC 5-590-440, is

equal to or less than 2.0 L/mg-m, the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(5) In any month that a waterworks practicing enhanced softening lowers alkalinity below 60 mg/L (as CaCO<sub>3</sub>), the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

c. Waterworks that use surface water or groundwater under the direct influence of surface water and using conventional treatment may also comply with the requirements of this section by meeting the criteria in subdivision H 1 b or c of this section.

4. Enhanced coagulation or enhanced softening is the treatment technique required to control the level of DBP precursors in drinking water treatment and distribution systems for waterworks using surface water or groundwater under the direct influence of surface water and using conventional treatment.

I. The best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts show in Table 2.13 are listed below:

1. Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant is the best available technology for achieving compliance with the maximum contaminant level for TTHM or HAA5.

2. Control of ozone treatment process to reduce production of bromate is the best available technology for achieving compliance with the maximum contaminant level for bromate.

3. Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels is the best available technology for achieving compliance with the maximum contaminant level for chlorite.

~~4. A waterworks that is installing GAC or membrane technology to comply with Table 2.13 may apply to the commissioner for an extension of up to 24 months past the dates in 12 VAC 5-590-370 B 3 b, but not beyond December 31, 2003. In granting the extension, the commissioner must set a schedule for compliance and may specify any interim measures that the waterworks must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of 12 VAC 5-590-410.~~

J. The best technology, treatment techniques, or other means available for achieving compliance with the maximum residual disinfectant levels identified in Table 2.12 is the control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

K. If spent filter backwash water, thickener supernatant, or liquids from dewatering processes are recycled, in any

waterworks supplied by a surface water source and waterworks supplied by a groundwater source under the direct influence of surface water that employ conventional filtration or direct filtration treatment, then they are subject to the recycle treatment technique requirement. Under this requirement recycle flows must be returned through all the processes of the treatment system, or an alternative location approved by the state, by June 8, 2004.

## **12 VAC 5-590-500. Disinfection by chlorination.**

A. All water supplies derived from surface water sources in whole or in part shall be disinfected in accordance with 12 VAC 5-590-1000 until June 29, 1993. It is recommended that a chlorine residual be maintained. Beginning June 29, 1993, every owner of a waterworks shall comply with the disinfection requirements of 12 VAC 5-590-420.

B. Waterworks utilizing surface waters as a water supply shall practice prechlorination. The requirement for prechlorination may be waived by the division when warranted.

C. Waterworks utilizing groundwater as a water supply that has been determined by the division to be under the direct influence of surface water, as provided in 12 VAC 5-590-430, will be required to disinfect. If the division determines that the groundwater supply is surface influenced, the waterworks owner shall provide disinfection during the interim before filtration is installed in accordance with 12 VAC 5-590-420 B 2 f. If filtration is installed prior to June 29, 1993, the owner shall comply with the disinfection requirements of 12 VAC 5-590-1000 until June 29, 1993. By June 29, 1993, all waterworks owners using a groundwater source determined to be under the direct influence of surface water must comply with the disinfection requirements of 12 VAC 5-590-420.

D. Any waterworks utilizing groundwater as a water supply that is not governed by 12 VAC 5-590-500 will be required to disinfect in accordance with 12 VAC 5-590-1000 if a sanitary survey reveals a potential source of contamination or if the water fails to meet the bacteriological quality standards set forth in Article 1 (12 VAC 5-590-340 et seq.) of Part II of this chapter.

E. Disinfection profile data and disinfection benchmark data.

1. Any waterworks that has disinfection profile data must retain this data in graphic form, as a spreadsheet, or in some other format acceptable to the commissioner for review as part of sanitary surveys conducted by the commissioner. *Appendix L lists the procedure for developing a disinfection profile.*

2. Disinfection benchmarking.

a. Any waterworks that has developed a disinfection profile and that decides to make a significant change to its disinfection practice must consult with the commissioner prior to making such change. Significant changes to disinfection practice are:

- (1) Changes to the point of disinfection;
- (2) Changes to the disinfectants used in the treatment plant;
- (3) Changes to the disinfection process; and

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(4) Any other modification identified by the commissioner.

b. Any waterworks that is modifying its disinfection practice must calculate its disinfection benchmark using the following procedure:

(1) For each year of profiling data collected, the waterworks must determine the lowest average monthly *Giardia lamblia* inactivation in each year of profiling data. The waterworks must determine the average *Giardia lamblia* inactivation for each calendar month for each year of profiling data by dividing the sum of daily (*or weekly*) *Giardia lamblia* inactivation by the number of values calculated for that month.

(2) The disinfection benchmark is the lowest monthly average value (for waterworks with one year of profiling data) or average of lowest monthly average values (for waterworks with more than one year of profiling data) of the monthly logs of *Giardia lamblia* inactivation in each year of profiling data.

(3) A waterworks that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for viruses using a method approved by the commissioner.

c. The waterworks must submit the following information to the commissioner as part of the waterworks' consultation process.

(1) A description of the proposed change;

(2) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) and benchmark listed in subdivision E 2 b of this section; ~~and~~

(3) An analysis of how the proposed change will affect the current levels of disinfection; *and*

(4) *Any additional information to justify the change.*

## 12 VAC 5-590-530. Reporting.

A. The results of any required monitoring activity shall be reported by the waterworks owner to the appropriate field office no later than the 10th day of the month following the month during which the tests were taken.

1. Waterworks required to sample quarterly must report to the appropriate field office within 10 days after the end of each quarter in which samples were collected.

2. Waterworks required to sample less frequently than quarterly must report to the appropriate field office within 10 days after the end of each monitoring period in which samples were collected.

B. It shall be the duty and responsibility of an owner to report to the appropriate field office in the most expeditious manner (usually by telephone) under the following circumstances. If it is done by telephone a confirming report shall be mailed as soon as practical.

1. When a bacteriological examination shows a repeat sample is required (see 12 VAC 5-590-380 D), a report shall be made within 48 hours. A waterworks owner must report

a total coliform PMCL violation to the appropriate field office no later than the end of the next business day.

2. When the daily average of turbidity testing exceeds 5 NTU a report shall be made within 48 hours.

3. When a Primary Maximum Contaminant Level of an inorganic or organic chemical is exceeded for a single sample the owner shall report same within seven days. If any one sample result would cause the compliance average to be exceeded the owner shall report same in 48 hours.

4. When the average value of samples collected pursuant to 12 VAC 5-590-410 exceeds the Primary Maximum Contaminant Level of any organic or inorganic chemical the owner shall report same within 48 hours.

5. When the maximum contaminant level for radionuclides has been exceeded as determined by Table 2.5 the results shall be reported within 48 hours.

6. The waterworks owner shall report to the appropriate field office within 48 hours the failure to comply with the monitoring and sanitary survey requirements of this chapter.

7. The waterworks owner shall report to the appropriate field office within 48 hours the failure to comply with the requirements of any schedule prescribed pursuant to a variance or exemption.

8. The waterworks owner shall report a Tier 1 violation or situation, as described in 12 VAC 5-590-540 A 1, to the appropriate field office as soon as practical, but no later than 24 hours after the waterworks learns of the Tier 1 violation or situation. At the same time the report is made, the owner shall consult with the field office to determine the need for any additional actions to address the violation or situation.

9. The waterworks owner shall report a violation of treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, as described in 12 VAC 5-590-420 B 2 a (2), B 2 a (3) (b), B 2 b (2), B 2 c (2), and B 2 d, to the appropriate field office as soon as practical, but no later than 24 hours after the waterworks learns of the violation. At the same time the report is made, the owner shall consult with the field office to determine the need for any additional actions to address the violation or situation.

C. Reporting requirements for filtration treatment and disinfection treatment.

1. The owner of a waterworks that provides filtration treatment shall report monthly to the division the following specified information beginning June 29, 1993, or when filtration is installed, whichever is later.

a. Turbidity measurements as required by 12 VAC 5-590-370 B 7 a shall be reported within 10 days after the end of each month the waterworks serves water to the public. Information that shall be reported includes:

(1) The total number of filtered water turbidity measurements taken during the month.

(2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 12 VAC 5-590-420 B 2 for the filtration technology being used.

(3) The date and value of any turbidity measurements taken during the month which exceed 5 NTU.

b. ~~In addition, A waterworks serving at least 10,000 people~~ using surface water or groundwater under the direct influence of surface water that provides conventional filtration treatment or direct filtration must report monthly to the commissioner the information specified in subdivisions C 1 b a (1) and (2) of this section beginning January 1, 2002, ~~for waterworks serving at least 10,000 people or January 1, 2005, for waterworks serving less than 10,000 people.~~ Also, a waterworks that provides filtration approved under 12 VAC 5-590-420 B 2 d must report monthly to the commissioner the information specified in subdivision C 1 b a (1) of this section beginning January 1, 2002, ~~for waterworks serving at least 10,000 people or January 1, 2005, for waterworks serving less than 10,000 people. The reporting in subdivision C 1 b (1) of this section is in lieu of the reporting specified in C 1 a.~~

(1) Turbidity measurements as required by 12 VAC 5-590-420 B 2 a (3) must be reported within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

(a) The total number of filtered water turbidity measurements taken during the month.

(b) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in 12 VAC 5-590-420 B 2 a (3) or 12 VAC 5-590-420 B 2 d.

(c) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for systems using conventional filtration treatment or direct filtration, or that exceed the maximum level set by the commissioner under 12 VAC 590-420 B 2 d.

(2) Waterworks must maintain the results of individual filter monitoring taken under 12 VAC 5-590-370 B 7 b (1) for at least three years. Waterworks must report that they have conducted individual filter turbidity monitoring under 12 VAC 5-590-370 B 7 b (1) within 10 days after the end of each month the waterworks system serves water to the public. Waterworks must report individual filter turbidity measurement results taken under 12 VAC 5-590-370 B 7 b (1) within 10 days after the end of each month the waterworks serves water to the public only if measurements demonstrate one or more of the conditions in subdivisions C 1 b (2) (a) ~~through (d)~~ or (b) of this section. Waterworks that use lime softening may apply to the commissioner for alternative exceedance levels for the levels specified in subdivisions C 1 b (2) (a) ~~through (d)~~ or (b) of this section if they can demonstrate that higher turbidity

levels in individual filters are due to lime carryover only and not due to degraded filter performance.

(a) *For waterworks serving 10,000 or more people:*

(i) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the waterworks must report the filter number, the turbidity measurement, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must either produce a filter profile for the filter within seven days of the exceedance (if the waterworks is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

~~(b)~~ (ii) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the waterworks must report the filter number, the turbidity, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must either produce a filter profile for the filter within seven days of the exceedance (if the waterworks is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

~~(c)~~ (iii) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the waterworks must report the filter number, the turbidity measurement, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must conduct a self-assessment of the filter within 14 days of the exceedance and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

~~(d)~~ (iv) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the waterworks must report the filter number, the turbidity measurement, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must arrange for the conduct of a comprehensive performance evaluation by the commissioner or a third party approved by the commissioner no later than 30 days following the exceedance and have the evaluation completed

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and submitted to the commissioner no later than 90 days following the exceedance.

(b) For waterworks serving less than 10,000 people:

(i) For any individual filter (or the turbidity of combined filter effluent for systems with two filters that monitor combined filter effluent in lieu of individual filters) that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the waterworks must report the filter number(s), the turbidity measurement(s), and the date, or dates, on which the exceedance occurred and the cause (if known) for the exceedance(s).

(ii) For any individual filter (or the turbidity of combined filter effluent for systems with two filters that monitor combined filter effluent in lieu of individual filters) that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the waterworks must conduct a self-assessment of the filter(s) within 14 days of the day the filter exceeded 1.0 NTU unless a comprehensive performance evaluation as specified in paragraph (3) of this section was required. Waterworks with two filters that monitor the combined filter effluent in lieu of individual filters must conduct a self assessment on both filters. The self-assessment must be reported to the commissioner and consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report. The self assessment must be submitted within 10 days after the end of the month or 14 days after the self assessment was triggered only if it was triggered during the last four days of the month.

(iii) For any individual filter (or the turbidity of combined filter effluent for systems with two filters that monitor combined filter effluent in lieu of individual filters) that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the waterworks must arrange for a comprehensive performance evaluation by the commissioner or a third party approved by the commissioner no later than 60 days following the day the filter exceeded 2.0 NTU in two consecutive months. The waterworks must report within 10 days after the end of the month that a comprehensive performance evaluation is required and the date that it was triggered. If a comprehensive performance evaluation has been completed by the commissioner or a third party approved by the commissioner within the 12 prior months or the waterworks and the commissioner are jointly participating in an ongoing

*Comprehensive Technical Assistance project at the waterworks, a new comprehensive performance evaluation is not required. If conducted, a comprehensive performance evaluation must be completed and submitted to the commissioner no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.*

2. Disinfection information specified below shall be reported to the division within 10 days after the end of each month the waterworks serves water to the public. Information that shall be reported includes:

a. For each day, the lowest measurement of residual disinfectant concentration in mg/l in water entering the distribution system.

b. The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/l and when the division was notified of the occurrence.

c. The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 12 VAC 5-590-420 B.

(1) Number of instances where the residual disinfectant concentration is measured;

(2) Number of instances where the residual disinfectant concentration is not measured but HPC is measured;

(3) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

(4) Number of instances where no residual disinfectant concentration is detected and where HPC is greater than 500/mL;

(5) Number of instances where the residual disinfectant concentration is not measured and HPC is greater than 500/mL;

(6) For the current and previous month the system serves water to the public, the value of "V" in percent in the following formula:

$$V = \frac{c + d + e}{a + b} \times 100$$

a = the value in subdivision C 2 c (1) of this section

b = the value in subdivision C 2 c (2) of this section

c = the value in subdivision C 2 c (3) of this section

d = the value in subdivision C 2 c (4) of this section

e = the value in subdivision C 2 c (5) of this section

(7) If the division determines, based on site specific considerations, that a waterworks owner has no means for having a sample transported and analyzed for HPC by a certified laboratory within the requisite time and temperature conditions and that the waterworks is

providing adequate disinfection in the distribution system, the requirements of subdivision C 2 c (1) through (6) of this section do not apply.

d. A waterworks owner need not report the data listed in subdivision C 2 a of this section if all data listed in subdivisions C 2 a through c of this section remain on file at the waterworks and the division determines that the waterworks owner has submitted all of the information required by subdivisions C 2 a through c of this section for the last 12 months.

3. If at any time the chlorine residual falls below 0.2 mg/l in the water entering the distribution system, the waterworks owner shall notify the division as soon as possible, but no later than by the end of the next business day. The waterworks owner also shall notify the division by the end of the next business day whether or not the residual was restored to at least 0.2 mg/l within four hours.

D. Reporting requirements for lead and copper. All waterworks owners shall report all of the following information to the appropriate field office in accordance with this section.

1. Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring.

a. A waterworks owner shall report the information specified below for all tap water samples within the first 10 days following the end of each applicable monitoring period specified in 12 VAC 5-590-370 B 6 a, b and c (i.e., every six months, annually, or every three years).

(1) The results of all tap samples for lead and copper including location or a location site code and the criteria under 12 VAC 5-590-370 B 6 a (1) (c), (d), (e), (f) and/or (g) under which the site was selected for the waterworks' sampling pool;

(2) A certification that each first draw sample collected by the waterworks is one-liter in volume and, to the best of their knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;

(3) Where residents collected samples, a certification that each tap sample collected by the residents was taken after the waterworks owner informed them of proper sampling procedures specified in 12 VAC 5-590-370 B 6 a (2) (b);

(4) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with 12 VAC 5-590-410 E 3);

(5) With the exception of initial tap sampling conducted pursuant to 12 VAC 5-590-370 B 6 a (4) (a), the waterworks owner shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;

(6) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under 12 VAC 5-590-370 B 6 b (2) through (5);

(7) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under 12 VAC 5-590-370 B 6 b (2) through (5).

b. By the applicable date in 12 VAC 5-590-370 B 6 a (4) (a) for commencement of monitoring, the owner of each community waterworks which does not complete the targeted sampling pool with tier 1 sampling sites meeting the criteria in 12 VAC 5-590-370 B 6 a (1) (c) shall send a letter to the appropriate field office justifying the selection of tier 2 and/or tier 3 sampling sites under 12 VAC 5-590-370 B 6 a (1) (d) and/or (e).

c. By the applicable date in 12 VAC 5-590-370 B 6 a (4) (a) for commencement of monitoring, the owner of each nontransient, noncommunity waterworks which does not complete the sampling pool with tier 1 sampling sites meeting the criteria in 12 VAC 5-590-370 B 6 a (1) (f) shall send a letter to the appropriate field office justifying the selection of sampling sites under 12 VAC 5-590-370 B 6 a (1) (g).

d. By the applicable date in 12 VAC 5-590-370 B 6 a (4) (a) for commencement of monitoring, the owner of each waterworks with lead service lines that is not able to locate the number of sites served by such lines required under 12 VAC 5-590-370 B 6 a (1) (b) (i) shall send a letter to the appropriate field office demonstrating why the owner was unable to locate a sufficient number of such sites based upon the information listed in 12 VAC 5-590-370 B 6 a (1) (b).

e. Each waterworks owner who requests that the commissioner reduce the number and frequency of sampling shall provide the information required under 12 VAC 5-590-370 B 6 a (4) (d).

2. Water supply (source water) monitoring reporting requirements.

a. A waterworks owner shall report the sampling results for all source water samples collected in accordance with 12 VAC 5-590-370 B 6 c within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in 12 VAC 5-590-370 B 6 c.

b. With the exception of the first round of source water sampling conducted pursuant to 12 VAC 5-590-370 B 6 c (2), the waterworks owner shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

3. Corrosion control treatment reporting requirements. By the applicable dates under 12 VAC 5-590-420 C 2, waterworks owners shall report the following information:

a. For waterworks demonstrating that they have already optimized corrosion control, information required in 12 VAC 5-590-420 C 2 b (2) or (3).

b. For waterworks required to optimize corrosion control, the owner's recommendation regarding optimal corrosion control treatment under 12 VAC 5-590-420 C 1 a.

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- c. For waterworks required to evaluate the effectiveness of corrosion control treatments under 12 VAC 5-590-420 C 1 c, the information required by that subdivision.
- d. For waterworks required to install optimal corrosion control designated by the commissioner under 12 VAC 5-590-420 C 1 d (1), a letter certifying that the owner has completed installing that treatment.
4. Water supply source water treatment reporting requirements. By the applicable dates in 12 VAC 5-590-420 D, waterworks owners shall provide the following information to the appropriate field office:
- a. If required under 12 VAC 5-590-420 D 2 a, the owner's recommendation regarding source water treatment;
- b. For waterworks required to install source water treatment under 12 VAC 5-590-420 D 2 b, a letter certifying that the waterworks has completed installing the treatment designated by the commissioner within 24 months after the commissioner designated the treatment.
5. Lead service line replacement reporting requirements. Waterworks owners shall report the following information to the appropriate field office to demonstrate compliance with the requirements of 12 VAC 5-590-420 E:
- a. Within 12 months after a waterworks exceeds the lead action level in sampling referred to in 12 VAC 5-590-420 E 1, the owner shall demonstrate in writing to the appropriate field office that the owner has conducted a materials evaluation, including the evaluation in 12 VAC 5-590-370 B 6 a (1), to identify the initial number of lead service lines in the distribution system, and shall provide the appropriate field office with the waterworks' schedule for replacing annually at least 7.0% of the initial number of lead service lines in its distribution system.
- b. Within 12 months after a waterworks exceeds the lead action level in sampling referred to in 12 VAC 5-590-420 E 1, and every 12 months thereafter, the waterworks owner shall demonstrate to the appropriate field office in writing that the waterworks owner has either:
- (1) Replaced in the previous 12 months at least 7.0% of the initial lead service lines (or a greater number of lines specified by the commissioner under 12 VAC 5-590-420 E 6) in the distribution system, or
- (2) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to 12 VAC 5-590-370 B 6 a (7) (c), is less than or equal to 0.015 mg/l. In such cases, the total number of lines replaced and/or which meet the criteria in 12 VAC 5-590-420 E 3 shall equal at least 7.0% of the initial number of lead lines identified under subdivision D 5 a of this section (or the percentage specified by the commissioner under 12 VAC 5-590-420 E 6).
- c. The annual letter submitted to the appropriate field office under subdivision D 5 b of this section shall contain the following information:
- (1) The number of lead service lines scheduled to be replaced during the previous year of the waterworks' replacement schedule;
- (2) The number and location of each lead service line replaced during the previous year of the waterworks' replacement schedule;
- (3) If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.
- d. As soon as practicable, but in no case later than three months after a waterworks exceeds the lead action level in sampling referred to in 12 VAC 5-590-420 E 1, any waterworks owner seeking to rebut the presumption that it has control over the entire lead service line pursuant to 12 VAC 5-590-420 E 4 shall submit a letter to the appropriate field office describing the legal authority (e.g., state statutes, municipal ordinances, public service contracts or other applicable legal authority) which limits the waterworks owner's control over the service lines and the extent of the waterworks owner's control.
6. Public education program reporting requirements. By December 31st of each year, the owner of any waterworks that is subject to the public education requirements in 12 VAC 5-590-420 F shall submit a letter to the appropriate field office demonstrating that the waterworks owner has delivered the public education materials that meet the content requirements in 12 VAC 5-590-420 F 1 and 2 and the delivery requirements in 12 VAC 5-590-420 F 3. This information shall include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the owner delivered public education materials during the previous year. The owner shall submit the letter required by this subdivision annually for as long as it exceeds the lead action level.
7. Reporting of additional monitoring data. The owner of any waterworks which collects sampling data in addition to that required by this subpart shall report the results to the appropriate field office within the first 10 days following the end of the applicable monitoring period under 12 VAC 5-590-370 B 6 a, b and c during which the samples are collected.
- E. Reporting requirements for disinfection byproducts. Waterworks must report the following information in accordance with subsection A of this section. (The field office may choose to perform calculations and determine whether the PMCL was violated, in lieu of having the waterworks report that information):
1. A waterworks monitoring for TTHM and HAA5 under the requirements of 12 VAC 5-590-370 B 3 b a on a quarterly or more frequent basis must report:
- a. The number of samples taken during the last quarter.
- b. The location, date, and result of each sample taken during the last quarter.
- c. The arithmetic average of all samples taken in the last quarter.



d. The annual arithmetic average of the quarterly arithmetic averages of this section for the last four quarters.

e. Whether, based on ~~12 VAC 5-590-390~~ 12 VAC 5-590-410 C 2 b (2), the PMCL was violated.

2. A waterworks monitoring for TTHMs and HAA5 under the requirements of 12 VAC 5-590-370 B 3 b a less frequently than quarterly (but at least annually) must report:

a. The number of samples taken during the last year.

b. The location, date, and result of each sample taken during the last monitoring period.

c. The arithmetic average of all samples taken over the last year.

d. Whether, based on ~~12 VAC 5-590-390~~ 12 VAC 5-590-410 C 2 b (2), the PMCL was violated.

3. A waterworks monitoring for TTHMs and HAA5 under the requirements of 12 VAC 5-590-370 B 3 b a less frequently than annually must report:

a. The location, date, and result of the last sample taken.

b. Whether, based on ~~12 VAC 5-590-390~~ 12 VAC 5-590-410 C 2 b (2), the PMCL was violated.

4. A waterworks monitoring for chlorite under the requirements of 12 VAC 5-590-370 B 3 b f must report:

a. The number of entry point samples taken each month for the last three months.

b. The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter.

c. For each month in the reporting period, the arithmetic average of all samples taken in each three sample set taken in the distribution system.

d. Whether, based on ~~12 VAC 5-590-390~~ 12 VAC 5-590-410 C 2 b (2) (e), the PMCL was violated, in which month and how many times it was violated each month.

5. A waterworks monitoring for bromate under the requirements of 12 VAC 5-590-370 B 3 b g must report:

a. The number of samples taken during the last quarter.

b. The location, date, and result of each sample taken during the last quarter.

c. The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.

d. Whether, based on ~~12 VAC 5-590-390~~ 12 VAC 5-590-410 C 2 b (2) (b), the PMCL was violated.

F. Reporting requirements for disinfectants. Waterworks must report the information specified below in accordance with subsection A of this section. (The field office may choose to perform calculations and determine whether the MRDL was violated, in lieu of having the waterworks report that information):

1. A waterworks monitoring for chlorine or chloramines under the requirements of 12 VAC 5-590-370 B 3 b h must report:

a. The number of samples taken during each month of the last quarter.

b. The monthly arithmetic average of all samples taken in each month for the last 12 months.

c. The arithmetic average of all monthly averages for the last 12 months.

d. Whether, based on 12 VAC 5-590-410 C 2 b (3) (a) c, the MRDL was violated.

2. A waterworks monitoring for chlorine dioxide under the requirements of 12 VAC 5-590-370 B 3 b h must report:

a. The dates, results, and locations of samples taken during the last quarter.

b. Whether, based on 12 VAC 5-590-410 C 2 b (3) (b) c, the MRDL was violated.

c. Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.

G. Reporting requirements for disinfection byproduct precursors and enhanced coagulation or enhanced softening. Waterworks must report the following information in accordance with subsection A of this section. (The field office may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the waterworks report that information):

1. A waterworks monitoring monthly or quarterly for TOC under the requirements of 12 VAC 5-590-370 B 3 b i and required to meet the enhanced coagulation or enhanced softening requirements in 12 VAC 5-590-420 H 2 b or c must report:

a. The number of paired (source water and treated water) samples taken during the last quarter.

b. The location, date, and results of each paired sample and associated alkalinity taken during the last quarter.

c. For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.

d. Calculations for determining compliance with the TOC percent removal requirements, as provided in 12 VAC 5-590-420 H 3 a.

e. Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in 12 VAC 5-590-420 H 2 a for the last four quarters.

2. A waterworks monitoring monthly or quarterly for TOC under the requirements of 12 VAC 5-590-370 B 3 b i and meeting one or more of the alternative compliance criteria in 12 VAC 5-590-420 H 1 b or c must report:

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- a. The alternative compliance criterion that the system is using.
- b. The number of paired samples taken during the last quarter.
- c. The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.
- d. The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in 12 VAC 5-590-420 H 1 b (2) (1) or (3) or of treated water TOC for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (2).
- e. The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (5) or of treated water SUVA for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (6).
- f. The running annual average of source water alkalinity for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (3) and of treated water alkalinity for systems meeting the criterion in 12 VAC 5-590-420 H 1 c (1).
- g. The running annual average for both TTHM and HAA5 for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (3) or (4).
- h. The running annual average of the amount of magnesium hardness removal (as CaCO<sub>3</sub>, in mg/l) for systems meeting the criterion in 12 VAC 5-590-420 H 1 c (2).
- i. Whether the system is in compliance with the particular alternative compliance criterion in 12 VAC 5-590-420 H 1 b or c.

H. Reporting of analytical results to the appropriate field office will not be required in instances where the state laboratory performs the analysis and reports same to that office.

I. Recycle flow reporting requirements. Any waterworks supplied by a surface water source and waterworks supplied by a groundwater source under the direct influence of surface water that employ conventional filtration or direct filtration treatment must notify the state in writing by December 8, 2003, if the system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, as a minimum:

- 1. A plant schematic showing the origin of all flows that are recycled, including but not limited to spent filter backwash water, thickener supernatant, and liquids from dewatering processes. The schematic shall also specify the hydraulic conveyance used to transport all recycle flows and the location where recycle flows are reintroduced back into the treatment plant.
- 2. Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and state-approved operating capacity for the plant.

J. Information to be included on the operation monthly report shall be determined by the division for each waterworks on an

individual basis. Appendix G contains suggested monthly operation report requirements.

## 12 VAC 5-590-540. Public notices.

A. All community and noncommunity waterworks owners shall give public notice to (i) persons served by the waterworks and (ii) the owner of any consecutive waterworks to which it sells or otherwise provides water under the following circumstances:

### 1. Tier 1.

- a. Violation of the PMCL for total coliforms when fecal coliform or E. coli are present in the distribution system;
- b. Failure to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform;
- c. Violation of the PMCL for nitrate, nitrite, or total nitrate and nitrite;
- d. Failure to take a confirmation sample within 24 hours of the waterworks receipt of the first sample showing an exceedance of the nitrate or nitrite PMCL;
- e. Exceedance of the nitrate PMCL by noncommunity waterworks, where permitted to exceed the PMCL by the commissioner;
- f. Violation of the MRDL for chlorine dioxide when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entry point of the distribution system exceed the MRDL;
- g. Failure to monitor chlorine dioxide residuals in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system;
- h. Violation of the ~~Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment Rule (IESWTR)~~ treatment technique ~~requirement~~ *requirements for filtration and disinfection* resulting from a single exceedance of the maximum allowable turbidity limit, where the commissioner determines after consultation that a Tier 1 notice is required;
- i. Failure to consult with the commissioner within 24 hours after the owner learns of the violation of the ~~Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment Rule (IESWTR)~~ treatment technique ~~requirement~~ *requirements for filtration and disinfection* resulting from a single exceedance of the maximum allowable turbidity limit;
- j. Occurrence of a waterborne disease outbreak other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
- k. Other violations or situations with significant potential to have serious adverse effects on human health as a result

of short-term exposure, as determined by the commissioner on a case-by-case basis.

## 2. Tier 2.

a. All violations of the PMCL, MRDL, and treatment technique requirements, except where a Tier 1 public notice is required or where the commissioner determines that a Tier 1 notice is required per subdivision 1 k of this subsection;

b. Violations of the monitoring and testing procedure requirements, where the commissioner determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

c. Failure to comply with the terms and conditions of any variance or exemption in place.

## 3. Tier 3.

a. Monitoring violations, except where a Tier 1 public notice is required per subdivisions 1 d and 1 g of this subsection, or where the commissioner determines that a Tier 2 public notice is required per subdivision 2 b of this subsection;

b. Failure to comply with a testing procedure, except where a Tier 1 notice is required per subdivision 1 b of this subsection or where the commissioner determines that a Tier 2 notice is required per subdivision 2 b of this subsection;

c. Operation under a variance or an exemption;

d. Availability of unregulated contaminant monitoring results; and

e. Exceedance of the fluoride secondary maximum contaminant level (SMCL).

B. If a waterworks has a violation, failure, exceedance, or situation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the commissioner may allow the owner to limit distribution of the public notice to only those persons served by that portion of the waterworks which is out of compliance. *The decision granting limited distribution of the public notice shall be issued in writing.*

## C. Public notice distribution requirements.

1. For Tier 1 violations, exceedances, or situations, the owner shall:

a. Provide a public notice as soon as practical but no later than 24 hours after the waterworks learns of the violation, exceedance, or situation;

b. Initiate consultation with the commissioner as soon as practical, but no later than 24 hours after the waterworks learns of the violation or situation, to determine additional public notice requirements;

c. Comply with any additional public notice requirements, including any repeat notices or direction on the duration of the posted notices, that are established as a result of the consultation with the commissioner. Such

requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served; and

d. Provide the public notice in a form and manner reasonably calculated to reach all persons served. The form and manner shall fit the specific situation, and shall be designed to reach residential, transient, and non-transient users of the waterworks. In order to reach all persons served, owners shall use, at a minimum, one or more of the following forms of delivery:

(1) Appropriate broadcast media (such as radio and television);

(2) Posting of the public notice in conspicuous locations throughout the area served by the waterworks;

(3) Hand delivery of the public notice to persons served by the water system; or

(4) Another delivery method approved in writing by the commissioner.

2. For Tier 2 violations, exceedances, or situations the owner shall:

a. Provide the public notice as soon as practical, but no later than 30 days after the waterworks learns of the violation, exceedance, or situation. The commissioner may allow, on a case-by-case determination, additional time for the initial notice of up to three months from the date the waterworks learns of the violation, exceedance, or situation; however, the commissioner shall not grant an extension to the 30-day deadline for any unresolved violation.

b. Repeat the public notice every three months as long as the violation, exceedance, or situation persists, unless the commissioner determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance shall the repeat notice be given less frequently than once per year. Repeat notice frequency less than every three months shall not be allowed for (i) a PMCL violation ~~under the total Coliform Rule coliforms~~; (ii) a treatment technique violation ~~under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule for filtration and disinfection~~; and (iii) other ongoing violations, exceedances, or situations.

c. Consult with the commissioner as soon as practical but no later than 24 hours after the waterworks learns of a violation of the ~~Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule~~ treatment technique ~~requirement~~ *requirements for filtration and disinfection* resulting from a single exceedance of the maximum allowable turbidity limit to determine whether a Tier 1 public notice is required to protect public health. If consultation does not take place within the 24-hour period, the waterworks shall distribute a Tier 1 public notice of the violation within the next 24 hours (i.e., no later than 48 hours after the waterworks learns of the violation).

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d. Provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period.

(1) For community waterworks, the owner shall:

(a) Mail or otherwise directly deliver the public notice to each customer receiving a bill and to other service connections to which water is delivered by the waterworks; and

(b) Use any other distribution method reasonably calculated to reach other persons regularly served by the waterworks, if they would not normally be reached by the notice required in subdivision 2 d (1) (a) of this subsection. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

(2) For noncommunity waterworks, the owner shall:

(a) Post the public notice in conspicuous locations throughout The distribution system frequented by persons served by the waterworks, or by mail or direct delivery to each customer and service connection (where known); and

(b) Use any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subdivision 2 d (2) (a) of this subsection. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by.

Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of e-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

e. Maintain a posted public notice in place for as long as the violation, exceedance, or situation persists, but in no case for less than seven days, even if the violation, exceedance, or situation is resolved.

3. For Tier 3 violations, exceedances, or situations the owner shall:

a. Provide the public notice not later than one year after the waterworks learns of the violation, exceedance, or situation or begins operating under a variance or exemption.

b. Repeat the public notice annually for as long as the violation, exceedance, variance, exemption, or other situation persists.

c. Maintain a posted public notice in place for as long as the violation, exceedance, variance, exemption, or other situation persists, but in no case less than seven days even if the violation or situation is resolved.

d. Instead of individual Tier 3 public notices, the owner may use an annual report detailing all violations, exceedances, and situations that occurred during the previous twelve months, as long as the timing requirements of subdivision 3 a of this subsection are met. For community waterworks the Consumer Confidence Report (CCR) may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, provided:

(1) The CCR is provided to persons served by the waterworks no later than 12 months after the waterworks learns of the violation, exceedance, or other situation;

(2) The Tier 3 public notice contained in the CCR meets the content requirements in subsection E of this section.

(3)The CCR is distributed in a manner meeting the delivery requirements in subdivision D 3 e of this section.

e. For community waterworks the owner shall:

(1) Mail or otherwise directly deliver the public notice to each customer receiving a bill and to other service connections to which water is delivered by the waterworks; and

(2) Use any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in subdivision 3 e (1) of this subsection. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: publication in a local newspaper; , delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); , posting in public places or on the Internet; , or delivery to community organizations.

f. For noncommunity waterworks the owner shall:

(1) Post the public notice in conspicuous locations throughout the distribution system frequented by persons served by the waterworks, or by mail or direct delivery to each customer and service connection (where known); and

(2) Use any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in subdivision 3 f (1) of this subsection. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers;

use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

#### D. Public notice contents.

1. Each public notice for PMCL, MRDL, and TT violations and other situations requiring a public notice shall include the following elements:

- a. A description of the violation, exceedance, or situation, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- b. When the violation or situation occurred;
- c. Any potential adverse health effects from the violation, exceedance, or situation, including the standard language under subdivision 5 a or 5 b of this subsection, whichever is applicable;
- d. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
- e. Whether alternative water supplies should be used;
- f. What actions consumers should take, including when they should seek medical help, if known;
- g. What the waterworks is doing to correct the violation, exceedance, or situation;
- h. When the waterworks expects to return to compliance or resolve the situation;
- i. The name, business address, and phone number of the waterworks owner, operator, or designee as a source of additional information concerning the notice; and
- j. A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subdivision 5 c of this subsection, where applicable.

2. Each public notice for a waterworks that has been granted a variance or exemption shall include the following elements:

- a. An explanation of the reasons for the variance or exemption;
- b. The date on which the variance or exemption was issued;
- c. A brief status report on the steps the waterworks is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- d. A notice of any opportunity for public input in the review of the variance or exemption.

3. Each public notice for a waterworks that violates the conditions of a variance or exemption shall contain the ten elements listed in subdivision 1 of this subsection.

4. Each public notice shall:

- a. Be displayed in a conspicuous way when printed or posted;
- b. Not contain overly technical language or very small print;
- c. Not be formatted in a way that defeats the purpose of the notice;
- d. Not contain language which nullifies the purpose of the notice.
- e. Contain information in the appropriate language(s), for waterworks serving a large proportion of non-English speaking consumers, regarding the importance of the notice or contain a telephone number or address where persons served may contact the waterworks to obtain a translated copy of the notice or to request assistance in the appropriate language.

5. The public notice shall include the following standard language:

a. For PMCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption - standard health effects language as specified in Appendix O corresponding to each PMCL, MRDL, and treatment technique violation and for each violation of a condition of a variance or exemption.

b. For monitoring and testing procedure violations -- standard language as specified below, including the language necessary to fill in the blanks:

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we [did not monitor or test or did not complete all monitoring or testing] for [contaminant(s)], and therefore cannot be sure of the quality of your drinking water during that time.

c. For all public notices--standard language (where applicable), as specified below:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

#### E. Public notice to new billing units or customers.

1. For community waterworks the owner shall give a copy of the most recent public notice for any continuing violation, variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

2. For noncommunity waterworks the owner shall continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

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F. Special notice of the availability of unregulated contaminant monitoring results.

1. The owner of a community waterworks or non-transient, noncommunity waterworks shall notify persons served by the system of the availability of the results of such sampling no later than 12 months after the monitoring results are known.
2. The special notice shall meet the requirements for a Tier 3 public notice and shall identify a person and telephone number to contact for information on the monitoring results.

G. Special notice for exceedance of the SMCL for fluoride.

1. Community waterworks that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/l, but do not exceed the primary maximum contaminant level (PMCL) of 4 mg/l for fluoride, shall provide public notice to persons served as soon as practical but no later than 12 months from the day the waterworks learns of the exceedance.
2. A copy of the notice shall be sent to all new billing units and new customers at the time service begins and to the engineering field office.
3. The owner shall repeat the notice at least annually for as long as the SMCL is exceeded.
4. If the public notice is posted, the notice shall remain in place for as long as the SMCL is exceeded, but in no case less than seven days even if the exceedance is eliminated.
5. On a case-by-case basis, the commissioner may require an initial notice sooner than 12 months and repeat notices more frequently than annually.
6. The form and manner of the public notice (including repeat notices) shall meet the requirements for a Tier 3 public notice.
7. The public notice shall contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community waterworks [name] has a fluoride concentration of [insert value] mg/l. Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the excess fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products by young children. Older children and adults may safely drink the water. Drinking water containing more than 4 mg/l of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of

developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we are required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem. For more information, please call [name of water system contact] of [name of community waterworks] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-NSF-HELP.

H. Special notice for nitrate exceedances above PMCL by noncommunity waterworks.

1. The owner of a noncommunity waterworks granted permission by the commissioner to exceed the nitrate PMCL shall provide public notice to persons served meeting the requirements for a Tier 1 notice.
2. The public notice shall be posted continuously and shall indicate the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, meeting the requirements for Tier 1 public notice delivery and content.

I. The division may give notice to the public required by this section on behalf of the owner of the waterworks if the division complies with the requirements of this section. However, the owner of the waterworks remains legally responsible for ensuring that the requirements of this section are met.

J. Within 10 days of completion of each initial and repeat public notice, the waterworks owner shall provide the appropriate field office:

1. A certification that he has fully complied with the public notice requirements; and
2. A representative copy of each type of notice distributed, published, posted and made available to the persons served by the waterworks and to the media.

K. The owner shall maintain copies of each public notice and certification for at least three years after issuance.

## **12 VAC 5-590-550. Recordkeeping.**

All waterworks shall retain within their facilities or at a convenient location near their facilities the following records for the minimum time periods specified:

- A. Bacteriological Records--Five years.
- B. Chemical Analyses--10 years.
- C. Individual filter monitoring required under 12 VAC 5-590-530 C 1 b (2)--Three years;~~and~~.
- D. *Results of Disinfection Profile including raw data and analysis - Indefinitely.*
- E. *Disinfection Benchmarking including raw data and analysis - Indefinitely.*

~~D.~~ F. The following information shall be provided for subsections A and B of this section:

1. Date, place, and time of sampling as well as the name of the person who collected the sample;

2. Identification of sample (e.g., routine, check sample, raw water, other);
3. Date of analysis;
4. Laboratory and/or person responsible for performing analysis;
5. Analytical method/technique used; and
6. Results of the analysis.

~~E.~~ G. Original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, commissioner determinations, and any other information required by 12 VAC 5-590-420 C 1 and 2, D, E, and F; and 12 VAC 5-590-370 B 6 a, b, and c pertaining to lead and copper. Each waterworks owner shall retain the records required by this section for no fewer than 12 years.

~~F.~~ H. Action taken to correct violations of these regulations--three years after last action with respect to violation involved.

~~G.~~ I. Copies of reports, summaries, or communications relating to any sanitary surveys performed--10 years following inspection.

~~H.~~ J. Variance or exemptions granted (and records related thereto)--five years following expiration of variance or exemption.

~~I.~~ K. Cross connection control program records--10 years.

~~J.~~ L. Systems that recycle flow, as stipulated in 12 VAC 5-590-420 K, must collect and retain on file recycle flow information for review and evaluation by the state beginning June 8, 2004. Information shall include, as a minimum:

1. Copy of the recycle notification submitted to the state under 12 VAC 5-590-530 I.
2. List of all recycle flows and the frequency with which they are returned.
3. Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process, in minutes.
4. Typical filter run length and a written summary of how the filter run length is determined.
5. The type of treatment provided for the recycle flow.
6. Data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used, average dose, frequency of use, and frequency at which solids are removed, if applicable.

~~K.~~ M. All waterworks shall retain the following additional records:

1. Plant operational records.
2. Water well completion reports.
3. As-built engineering plans and specifications of facilities.
4. Shop drawings of major equipment.
5. Records of equipment repair or replacement.

6. Updated map of water distribution system.

7. All accident reports.

## APPENDIX L. DETERMINATION OF CT.

### Disinfection Criteria

A treatment system must provide a minimum 3-log (99.9%) reduction of Giardia cysts and a 4-log (99.99%) reduction of viruses, respectively. Table L-1 lists the log removal credits associated with four filtration processes and the inactivation levels that must be achieved by disinfection.

### Determination of Compliance With Inactivation

To determine compliance with the inactivation requirements, a system must comply with the CT value(s) that is (are) based on disinfection conditions in the system during peak hourly flow. The "T" is the time in minutes it takes for the water during peak hourly flow to move between the point of disinfectant application and a point where "C", the residual concentration in mg/L, is measured before the water reaches the first customer. Contact time may be determined either by calculations, tracer studies, or an equivalent method as approved by the ~~Division~~ office. The contact time to be used for calculating CT is  $T_{10}$ , which is defined as the detention time at which 90 percent of the water passing through a unit is retained within that unit (e.g. mixing basins, sedimentation basins, clearwells, storage reservoirs, etc.)

Systems with only one point of disinfectant application may determine the total inactivation on the basis of residual measurements at a single point prior to the first customer or at several points within the treatment train after the point of disinfectant application. In the latter instance, the residual profile is determined and the total inactivation is calculated as follows: (1) Determine the disinfectant residual, C, in mg/L at any number of points within the treatment train; (2) Determine the travel time, T, in minutes between the point of disinfectant application and the point where C is measured within the first section. For subsequent measurements of C, T is the time required for water to move from the previous residual-measurement point to the next; (3) Calculate CT corresponding to each residual measurement point (CT sub<sub>a</sub> sub<sub>l</sub> sub<sub>c</sub>); (4) Determine the log inactivation for each section; and (5) Sum the log inactivations for each section to determine the total log inactivation. Tables L-2 through L-7 give CT values required for 99.9 percent inactivation (3 logs) of Giardia cysts at various pHs and temperatures. *Tables L-9 through L-15 give CT values required for Giardia cysts and viruses at various temperatures using free chlorine, chlorine dioxide, chloramines and ozone.* The minimum expected temperature and the maximum expected pH should be used for the calculations. Generally, if the CT required for 3-logs inactivation of Giardia cycts is achieved, the CT required for 4-logs inactivation of viruses is also achieved.

### Determination of Disinfectant Contact Time

The time within contact units (including mixing basins and storage reservoirs) that is to be used in calculations of CT should be the  $T_{10}$  value, as defined earlier. This value can be determined either by calculations that involve the theoretical hydraulic detention time (volume divided by flow rate) and

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factors that account for the degree of short-circuiting that might be expected through any given unit or by tracer studies.

When  $T_{10}$  values are calculated, the theoretical, hydraulic detention time in a particular unit is reduced by some fraction, the magnitude of which is dictated by the degree of short-circuiting that is possible within that unit. The significant design characteristics that determine the degree of short-circuiting include the length-to-width ratio, the degree of baffling within the basins, and the effect of inlet-baffling and outlet-weir configurations. The use of these factors to obtain a  $T_{10}$  value effectively reduces the magnitude of  $T$  for use in CT calculations so that achieving a required CT requires the application of more disinfectant (i.e. a higher concentration).

The purposes of baffling are to (1) maximize utilization of basin volume, (2) increase the plug-flow zone in the basin, and (3) minimize short-circuiting. Three general classifications of baffling conditions (poor, average, and superior) have been developed to categorize the results of tracer studies for use in  $T_{10}$  determinations. The  $T_{10} / T$  ratios associated with each degree of baffling are summarized in Table L-8.

The three types of basin inlet baffling configurations are: a target-baffle pipe inlet, an overflow weir entrance, and a baffled, submerged orifice or port inlet. Typical intra-basin baffling structures include: diffuser (perforated) walls; launders; cross-, longitudinal-, or maze- baffling to cause either horizontal or vertical serpentine flow; and longitudinal divider walls, which prevent mixing by increasing the length-to-width ratio of the basins. Commonly used baffled outlet structures include free-discharging weirs, such as sharp-crested and V-notch, and submerged ports or weirs. Weirs that do not span the width of the basin, such as Cipolletti weirs, should not be used, as they may substantially increase weir overflow rates and the dead-space zone within the basin. Figures L-1 through L-VI give examples of poor, average, and superior baffling conditions for rectangular and circular tanks.

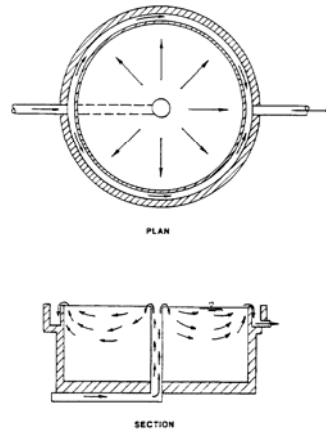


Figure L-2 Poor Baffling Condition – Circular Contact Basin

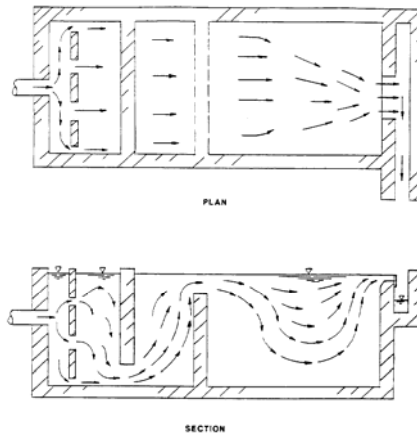


Figure L-3 Average Baffling Condition – Rectangular Contact Basin

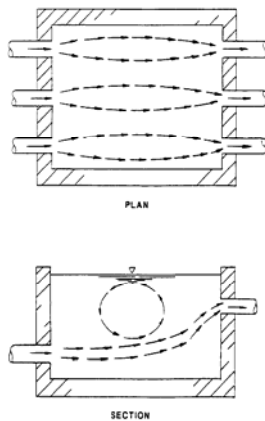


Figure L-1 Poor Baffling Condition – Rectangular Contact Basin

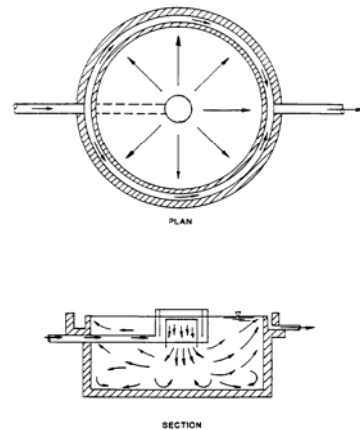


Figure L-4 Average Baffling Condition – Circular Contact Basin



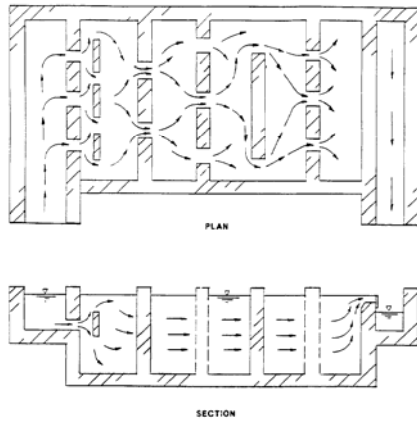


Figure L-5 Superior Baffling Conditions – Rectangular Contact Basin

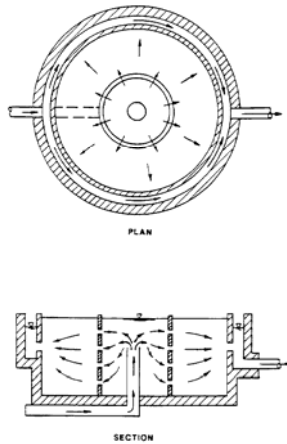


Figure L-6 Superior Baffling Conditions – Circular Contact Basin

The following is a sample problem based on the inactivation tables and  $T_{10}$  values calculated from information regarding the design features of the contact unit and the theoretical detention time. The disinfectant in this example is chlorine which is added just prior to the contact unit and the flow rate, pH, chlorine residual, and water temperature are assumed to be 1.5 MGD, 7.5, 1.0 mg/L, and 5 degrees C, respectively. The contact unit has a baffled inlet, intra-basin baffles, and a theoretical detention time of 90 minutes.

$$T_{10}/T = 0.5 \text{ (see Table L-8)}$$

$$T_{10} = 0.5 \times 90 \text{ minutes} = 45 \text{ minutes}$$

$$CT_{\text{calc}} = 1.0 \text{ mg/L} \times 45 \text{ minutes} = 45 \text{ mg-min/L}$$

Note- Required inactivation is 0.5 logs since this particular disinfection process follows a conventional water treatment plant.

From Table L-3, 5°C

At pH = 7.5, C = 1.0 mg/L and  $CT_{\text{calc}} = 45 \text{ mg-min/L}$ , interpolate the log inactivation.

$CT_{\text{calc}}$  of 45 mg-min/L falls between CTs of 30 (0.5 log) and 60 (1.0 log) mg-min/L. The corresponding log inactivation would be as follows:

$$0.5 + [(45-30)/60-30] \times (1.0 - 0.5) = 0.75 \text{ logs}$$

Therefore, the log inactivation requirement of 0.5 logs has been satisfied.

Although the detention time is proportional to flow, the relationship generally is not linear. Therefore, tracer studies may be used to establish detention times for the range of flow rates experienced within each disinfectant section.

Ideally, tracer tests should be conducted at a minimum of four flow rates that span the entire range of flows for the section being tested. The flow rates should be separated by approximately equal intervals to span the range of operation, with one near average flow, two greater than average, and one less than average. The flows should also be selected so that the highest is at least 91 percent of the highest flow rate expected to ever occur in that section. Four data points will ensure a good definition of the section's hydraulic profile.

Systems can perform just one tracer test for each disinfectant residual at a flow rate of not less than 91 percent of the highest flow rate experienced in that section. If only one tracer test is performed, the detention time determined by the test may be used to provide a conservative estimate in CT calculations for that section for all flow rates less than or equal to the flow rate during the tracer test. Since  $T_{10}$  is inversely proportional to flow rate, the  $T_{10}$  at a flow rate other than that occurring during the tracer study can be determined by multiplying the  $T_{10}$  determined from the tracer study by the ratio of the tracer-study flow rate to the desired flow rate. That is:

$$T_{10s} = T_{10T} \times O_T/O_s$$

Where:

$$T_{10s} = T_{10} \text{ at system flow rate}$$

$$T_{10T} = T_{10} \text{ at tracer flow rate}$$

$$O_T = \text{tracer study flow rate}$$

$$O_s = \text{system flow rate}$$

When tracer studies are performed, several variables other than flow rate will affect the detention time, including varying water levels in tanks, seasonal fluctuations in flow, and differences in water temperature, which may cause thermal stratification. If these variables are significant, additional tracer studies to determine the appropriate  $T_{10}$  values may be warranted.

Two methods of tracer addition are commonly used in water treatment evaluations: the step-dose method and the slug-dose method. In general, tracer studies involve the application of a chemical to a system and tracking the effluent concentrations over time. The effluent concentration profile is evaluated to determine the detention time  $T_{10}$ .

Step-dose tracer studies are frequently employed in drinking water applications because the necessary chemical feed equipment is available and the resulting profile of normalized concentrations versus time is used directly to determine the detention time ( $T_{10}$ ) required for calculating CT. The  $T_{10}$  value

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obtained from the studies is actually the time at which the effluent concentration of the tracer chemical is 10 percent of the added concentration.

The slug-dose method requires the addition of a large, initial dose of tracer to the incoming water. Samples are collected at the exit end of the unit for a period of time until the tracer passes through the unit. Disadvantages of this method include: (1) extremely concentrated solutions of chemicals are required; (2) intensive mixing is required to minimize potential density currents and to obtain uniform distribution; (3) the concentration and volume of the initial tracer dose must be calculated carefully to provide an adequate tracer profile; (4) the resulting profile of concentration versus time cannot be used directly to determine  $T_{10}$ ; and (5) a mass balance on the treatment section is required to determine whether the tracer was completely recovered. One advantage of this method is that it may be applied where chemical feed equipment is not available at the desired point of application or where the equipment that is available does not have adequate capacity.

## Disinfection Profile and Benchmark

1. A disinfection profile is prepared by calculating the log inactivation for each disinfection segment of the treatment plant, from initial point of disinfectant addition to the entrance to the distribution system. The log inactivations for each segment are summed to yield the total plant log inactivation.

2. The procedure for computing the log inactivation is as follows:

a. Collect data daily (plants serving 10,000 or more people), or weekly on the same calendar day (plants

serving less than 10,000 people), at each disinfectant residual sampling point during peak hourly flow, for:

- (1) Water temperature ( $^{\circ}\text{C}$ )
- (2) Water pH (required for free chlorine calculation)
- (3) Disinfectant residual concentration ("C," in mg/L)

b. Calculate contact time ("T," in minutes) for each disinfectant segment based on baffling factors or tracer studies.

c. Calculate  $CT_{\text{actual}}$  for each disinfection segment under actual operating conditions.

d. Determine the  $CT_{\text{required}}$  for 3-log *Giardia* inactivation ( $CT_{3\text{-log } \textit{Giardia}}$ ) and/or 4-log virus ( $CT_{4\text{-log virus}}$ ) inactivation from the CT Tables.

e. Calculate the log inactivation for *Giardia* and/or viruses for each segment using:

- (1) Log Inactivation of *Giardia* =  $3.0 * CT_{\text{actual}} / CT_{3\text{-log } \textit{Giardia}}$
- (2) Log inactivation of viruses =  $4.0 * CT_{\text{actual}} / CT_{4\text{-log virus}}$

f. Sum the segment log inactivations to determine the plant log inactivation.

3. The disinfection profile is charted over the year and the benchmark is determined based on 12 VAC 5-590-500.

**EDITOR'S NOTE:** There are no changes to Tables L-1 through L-8, so they are not set out.

Table L-9. CT Values for Inactivation of Viruses by Free Chlorine, pH 6.0-9.0

Inactivation (log)	Temperature ( $^{\circ}\text{C}$ )															
	0.5	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2	6.0	5.8	5.3	4.9	4.4	4.0	3.8	3.6	3.4	3.2	3.0	2.8	2.6	2.4	2.2	2.0
3	9.0	8.7	8.0	7.3	6.7	6.0	5.6	5.2	4.8	4.4	4.0	3.8	3.6	3.4	3.2	3.0
4	12.0	11.6	10.7	9.8	8.9	8.0	7.6	7.2	6.8	6.4	6.0	5.6	5.2	4.8	4.4	4.0
Inactivation (log)	Temperature ( $^{\circ}\text{C}$ )															
	16	17	18	19	20	21	22	23	24	25						
2	1.8	1.6	1.4	1.2	1.0	1.0	1.0	1.0	1.0	1.0						
3	2.8	2.6	2.4	2.2	2.0	1.8	1.6	1.4	1.2	1.0						
4	3.8	3.6	3.4	3.2	3.0	2.8	2.6	2.4	2.2	2.0						

Source: AWWA, 1991. Modified by linear interpolation between  $5^{\circ}\text{C}$  increments.

Table L-10. CT Values for Inactivation of *Giardia* Cysts by Chlorine Dioxide, pH 6.0-9.0

Inactivation (log)	Temperature ( $^{\circ}\text{C}$ )														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0.5	10.0	8.6	7.2	5.7	4.3	4.2	4.2	4.1	4.1	4.0	3.8	3.7	3.5	3.4	3.2
1	21.0	17.9	14.9	11.8	8.7	8.5	8.3	8.1	7.9	7.7	7.4	7.1	6.9	6.6	6.3
1.5	32.0	27.3	22.5	17.8	13.0	12.8	12.6	12.4	12.2	12.0	11.6	11.2	10.8	10.4	10.0
2	42.0	35.8	29.5	23.3	17.0	16.6	16.2	15.8	15.4	15.0	14.6	14.2	13.8	13.4	13.0
2.5	52.0	44.5	37.0	29.5	22.0	21.4	20.8	20.2	19.6	19.0	18.4	17.8	17.2	16.6	16.0
3	63.0	53.8	44.5	35.3	26.0	25.4	24.8	24.2	23.6	23.0	22.2	21.4	20.6	19.8	19.0

Inactivation (log)	Temperature (°C)									
	16	17	18	19	20	21	22	23	24	25
0.5	3.1	2.9	2.8	2.6	2.5	2.4	2.3	2.2	2.1	2.0
1	6.0	5.8	5.5	5.3	5.0	4.7	4.5	4.2	4.0	3.7
1.5	9.5	9.0	8.5	8.0	7.5	7.1	6.7	6.3	5.9	5.5
2	12.4	11.8	11.2	10.6	10.0	9.5	8.9	8.4	7.8	7.3
2.5	15.4	14.8	14.2	13.6	13.0	12.2	11.4	10.6	9.8	9.0
3	18.2	17.4	16.6	15.8	15.0	14.2	13.4	12.6	11.8	11.0

Source: AWWA, 1991. Modified by linear interpolation between 5°C increments.

Table L-11. CT Values for Inactivation of Viruses by Chlorine Dioxide, pH 6.0-9.0

Inactivation (log)	Temperature (°C)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2	8.4	7.7	7.0	6.3	5.6	5.3	5.0	4.8	4.5	4.2	3.9	3.6	3.4	3.1	2.8
3	25.6	23.5	21.4	19.2	17.1	16.2	15.4	14.5	13.7	12.8	12.0	11.1	10.3	9.4	8.6
4	50.1	45.9	41.8	37.6	33.4	31.7	30.1	28.4	26.8	25.1	23.4	21.7	20.1	18.4	16.7

Inactivation (log)	Temperature (°C)									
	16	17	18	19	20	21	22	23	24	25
2	2.7	2.5	2.4	2.2	2.1	2.0	1.8	1.7	1.5	1.4
3	8.2	7.7	7.3	6.8	6.4	6.0	5.6	5.1	4.7	4.3
4	15.9	15.0	14.2	13.3	12.5	11.7	10.9	10.0	9.2	8.4

Source: AWWA, 1991. Modified by linear interpolation between 5°C increments.

Table L-12. CT Values for Inactivation of Giardia Cysts by Chloramine, pH 6.0-9.0

Inactivation (log)	Temperature (°C)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0.5	635	568	500	433	365	354	343	332	321	310	298	286	274	262	250
1	1,270	1,136	1,003	869	735	711	687	663	639	615	592	569	546	523	500
1.5	1,900	1,700	1,500	1,300	1,100	1,066	1,032	998	964	930	894	858	822	786	750
2	2,535	2,269	2,003	1,736	1,470	1,422	1,374	1,326	1,278	1,230	1,184	1,138	1,092	1,046	1,000
2.5	3,170	2,835	2,500	2,165	1,830	1,772	1,714	1,656	1,598	1,540	1,482	1,424	1,366	1,308	1,250
3	3,800	3,400	3,000	2,600	2,200	2,130	2,060	1,990	1,920	1,850	1,780	1,710	1,640	1,570	1,500

Inactivation (log)	Temperature (°C)									
	16	17	18	19	20	21	22	23	24	25
0.5	237	224	211	198	185	173	161	149	137	125
1	474	448	422	396	370	346	322	298	274	250
1.5	710	670	630	590	550	515	480	445	410	375
2	947	894	841	788	735	688	641	594	547	500
2.5	1,183	1,116	1,049	982	915	857	799	741	683	625
3	1,420	1,340	1,260	1,180	1,100	1,030	960	890	820	750

Source: AWWA, 1991. Modified by linear interpolation between 5°C increments.

Table L-13. CT Values for Inactivation of Viruses by Chloramine

Inactivation (log)	Temperature (°C)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2	1,243	1,147	1,050	954	857	814	771	729	686	643	600	557	514	471	428
3	2,063	1,903	1,743	1,583	1,423	1,352	1,281	1,209	1,138	1,067	996	925	854	783	712
4	2,883	2,659	2,436	2,212	1,988	1,889	1,789	1,690	1,590	1,491	1,392	1,292	1,193	1,093	994

Inactivation (log)	Temperature (°C)									
	16	17	18	19	20	21	22	23	24	25
2	407	385	364	342	321	300	278	257	235	214
3	676	641	605	570	534	498	463	427	392	356
4	944	895	845	796	746	696	646	597	547	497

Source: AWWA, 1991. Modified by linear interpolation between 5°C increments.

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Table L-14. CT Values for Inactivation of Giardia Cysts by Ozone

Inactivation (log)	Temperature (°C)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0.5	0.48	0.44	0.40	0.36	0.32	0.30	0.28	0.27	0.25	0.23	0.22	0.20	0.19	0.17	0.16
1.0	0.97	0.89	0.80	0.72	0.63	0.60	0.57	0.54	0.51	0.48	0.45	0.42	0.38	0.35	0.32
1.5	1.50	1.36	1.23	1.09	0.95	0.90	0.86	0.81	0.77	0.72	0.67	0.62	0.58	0.53	0.48
2.0	1.90	1.75	1.60	1.45	1.30	1.23	1.16	1.09	1.02	0.95	0.89	0.82	0.76	0.69	0.63
2.5	2.40	2.20	2.00	1.80	1.60	1.52	1.44	1.36	1.28	1.20	1.12	1.04	0.95	0.87	0.79
3.0	2.90	2.65	2.40	2.15	1.90	1.81	1.71	1.62	1.52	1.43	1.33	1.24	1.14	1.05	0.95
Inactivation (log)	Temperature (°C)														
	16	17	18	19	20	21	22	23	24	25					
0.5	0.15	0.14	0.14	0.13	0.12	0.11	0.10	0.10	0.09	0.08					
1.0	0.30	0.29	0.27	0.26	0.24	0.22	0.21	0.19	0.18	0.16					
1.5	0.46	0.43	0.41	0.38	0.36	0.34	0.31	0.29	0.26	0.24					
2.0	0.60	0.57	0.54	0.51	0.48	0.45	0.42	0.38	0.35	0.32					
2.5	0.75	0.71	0.68	0.64	0.60	0.56	0.52	0.48	0.44	0.40					
3.0	0.90	0.86	0.81	0.77	0.72	0.67	0.62	0.58	0.53	0.48					

Source: AWWA, 1991. Modified by linear interpolation between 5°C increments.

Table L-15. CT Values for Inactivation of Viruses by Ozone

Inactivation (log)	Temperature (°C)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2	0.90	0.83	0.75	0.68	0.60	0.58	0.56	0.54	0.52	0.50	0.46	0.42	0.38	0.34	0.30
3	1.40	1.28	1.15	1.03	0.90	0.88	0.86	0.84	0.82	0.80	0.74	0.68	0.62	0.56	0.50
4	1.80	1.65	1.50	1.35	1.20	1.16	1.12	1.08	1.04	1.00	0.92	0.84	0.76	0.68	0.60
Inactivation (log)	Temperature (°C)														
	16	17	18	19	20	21	22	23	24	25					
2	0.29	0.28	0.27	0.26	0.25	0.23	0.21	0.19	0.17	0.15					
3	0.48	0.46	0.44	0.42	0.40	0.37	0.34	0.31	0.28	0.25					
4	0.58	0.56	0.54	0.52	0.50	0.46	0.42	0.38	0.34	0.30					

Source: AWWA, 1991. Modified by linear interpolation between 5°C increments

APPENDIX M. LEAD AND COPPER

LEAD AND COPPER

Table M1  
Monitoring Frequency for Initial Sampling Requirements

PWS Size	Monitoring Type	Location	No. Samples	Frequency	
Large PWSs >100,000	Lead and Copper Water Quality Parameters	Taps	100	6 months	
			25	Twice per 6 months	
	Source Water	Entry Points	1	6 months*	
			1	Twice per 6 months	
	50,001-100,000	Lead and Copper Water Quality Parameters	Taps	60	6 months
				10	Twice per 6 months
Source Water		Entry Points	1	6 months*	
			1	Twice per 6 months	
Medium PWSs 10,001-50,000	Lead and Copper If ALs Exceeded Water Quality Parameters	Taps	60	6 months	
			10	Twice per 6 months	
	Source Water	Entry Points	1	6 months	
			1	Twice per 6 months	
	3,301-10,000	Lead and Copper If ALs Exceeded Water Quality Parameters	Taps	40	6 months
				3	Twice per 6 months
Source Water		Entry Points	1	6 months	
			1	Twice per 6 months	
Small PWSs 501-3,300	Lead and Copper* If ALs Exceeded Water Quality Parameters	Taps	20	6 months	
			2	Twice per 6 months	
	Source Water	Entry Points	1	6 months	
			1	Twice per 6 months	
	101-500	Lead and Copper If ALs Exceeded Water Quality Parameters	Taps	10	6 months
				1	Twice per 6 months
		Source Water	Entry Points	1	6 months
				1	Twice per 6 months
	≤100	Lead and Copper* If ALs Exceeded Water Quality Parameters	Taps	5	6 months
				1	Twice per 6 months
		Source Water	Entry Points	1	6 months
				1	Twice per 6 months
Nontransient Noncommunity Water Systems	Lead and Copper Water Quality Parameters	Taps Distribution System	No more than one per building per monitoring period		

\*If system wants to attempt to demonstrate optimization based on difference between source water levels and 90% tap level. Otherwise, one sample per entry point required if an AL is exceeded.

\*\*For lead and copper monitoring, 20% of the homes may be used in lieu of the required if there are less than 5 or 10 available sites, respectively.

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## LEAD AND COPPER

Table M2  
Monitoring Frequency for Follow-up and Routine Sampling Requirements

PWS Size	Monitoring Type	Location	No. Samples	Frequency	
Large PWSs >100,000	Lead and Copper Water Quality Parameters Source Water	Taps	100	6 months	
		Distribution System Entry Points	25	Twice per 6 months	
	50,001-100,000	Lead and Copper Water Quality Parameters	Taps	1	6 months*
			Source Water	1	Biweekly
		Lead and Copper Water Quality Parameters	Taps	60	6 months
			Distribution System Entry Points	10	Twice per 6 months
Medium PWSs 10,001-50,000	Lead and Copper Water Quality Parameters Source Water	Taps	60	6 months	
		Distribution System Entry Points	10	Twice per 6 months	
	3,301-10,000	Lead and Copper Water Quality Parameters	Taps	1	6 months*
			Source Water	1	Biweekly
		Lead and Copper Water Quality Parameters	Taps	40	6 months
			Distribution System Entry Points	3	Twice per 6 months
Small PWSs 501-3,300	Lead and Copper Water Quality Parameters Source Water	Taps	1	6 months*	
		Distribution System Entry Points	1	Biweekly	
	101-500	Lead and Copper* Water Quality Parameters	Taps	10	6 months
			Distribution System Entry Points	1	Twice per 6 months
		Lead and Copper Water Quality Parameters	Taps	1	6 months
			Source Water	1	Biweekly
≤100	Lead and Copper* Water Quality Parameters	Taps	5	6 months	
		Distribution System Entry Points	1	Twice per 6 months	
	Lead and Copper Water Quality Parameters	Taps	1	6 months*	
		Source Water	1	Biweekly	
Nontransient Noncommunity Water Systems	Lead and Copper Water Quality Parameters	Taps Distribution System	No more than one per building per monitoring period		

\*If source water treatment installed; otherwise, see reduced monitoring requirements.

\*\*For lead and copper monitoring, 20% of the homes may be used in lieu of the required if there are less than 5 or 10 available sites, respectively.

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Table M3  
Monitoring Frequency for Reduced Sampling Requirements

PWS Size	Monitoring Type	Reduced* Monitoring	Ultimate Reduced** Monitoring
Large PWSs >100,000	Lead and Copper Water Quality Parameters Points of Entry Lead and Copper	50 per year 10 twice per 6 months	50 per 3 years 10 twice per year
	Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
50,001-100,000	Lead and Copper Water Quality Parameters Points of Entry Lead and Copper	30 per year 7 twice per 6 months	30 per 3 years 7 twice per year
	Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
Medium PWSs 10,001-50,000	Lead and Copper Water Quality Parameters Points of Entry Lead and Copper	30 per year 7 twice per 6 months	30 per 3 years 7 twice per year
	Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
3,301-10,000	Lead and Copper Water Quality Parameters Points of Entry Lead and Copper	20 per year 3 twice per 6 months	20 per 3 years 3 twice per year
	Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
Small PWSs 501-3,300	Lead and Copper Water Quality Parameters Points of Entry Lead and Copper	10 per year 2 twice per 6 months	10 per 3 years 2 twice per year
	Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
	101-500	Lead and Copper Water Quality Parameters Points of Entry Lead and Copper	5 per year 1 twice per 6 months
≤100	Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
	Lead and Copper Water Quality Parameters Points of Entry Lead and Copper	5 per year 1 twice per 6 months	5 per 3 years 1 twice per year
	Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly

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Table M4  
SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS<sup>1</sup>

Monitoring Period	Parameters <sup>2</sup>	Location	Frequency
Initial Monitoring	pH, alkalinity, orthophosphate or silica, <sup>3</sup> calcium, conductivity, temperature	Taps and at entry point(s) to distribution system	Every 6 months
After Installation of Corrosion Control	pH, alkalinity, orthophosphate or silica, <sup>3</sup> calcium <sup>4</sup> pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup>	Taps Entry point(s) to distribution system <sup>6</sup>	Every 6 months No less frequently than every two weeks.
After State Specifies Parameter Values For Optimal Corrosion Control	pH, alkalinity, orthophosphate or silica, <sup>3</sup> calcium <sup>4</sup> pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup>	Taps Entry point(s) to distribution system	Every 6 months No less frequently than every two weeks.
Reduced Monitoring	pH, alkalinity, orthophosphate or silica, <sup>3</sup> calcium <sup>4</sup>  pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup>	Taps  Entry point(s) to distribution system	Every six months, annually <sup>7</sup> or every 3 years <sup>8</sup> at a reduced number of sites No less frequently than every two weeks.

<sup>1</sup>Table is for illustrative purposes; consult the text of this section for precise regulatory requirements.

<sup>2</sup>Small and medium-size systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

<sup>3</sup>Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

<sup>4</sup>Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

<sup>5</sup>Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

<sup>6</sup>Groundwater systems may limit monitoring to representative locations throughout the system.

<sup>7</sup>Waterworks may reduce frequency of monitoring for water quality parameters at the tap from every six months to annually if they maintain the minimum values or range of values for water quality parameters reflecting optimal corrosion control treatment during three consecutive years of monitoring.

<sup>8</sup>Waterworks may further reduce the frequency of monitoring for water quality parameters at the tap from annually to once every three years if they have maintained the minimum values or range of values for water quality parameters reflecting optimal corrosion control treatment during three consecutive years of annual monitoring. Waterworks may accelerate the triennial monitoring for water quality parameters at the tap if they have maintained 90th percentile lead levels less than or equal to 0.005 mg/L, 90th percentile copper levels less than or equal to 0.65 mg/L, and the range of water quality parameters designated by the Commissioner under 12 VAC 5-590-420 C 1 f as representing optimal corrosion control during two consecutive six-month periods.



## APPENDIX O. REGULATED CONTAMINANTS FOR CONSUMER CONFIDENCE REPORTS AND PUBLIC NOTIFICATION.

### Key

AL = Action Level

MCL = Maximum Contaminant Level

MCLG = Maximum Contaminant Level Goal

MFL = million fibers per liter

mrem/year = millirems per year (a measure of radiation absorbed by the body)

NTU = Nephelometric Turbidity Units

pCi/l = picocuries per liter (a measure of radioactivity)

ppb = parts per billion, or micrograms per liter (µg/l)

ppm = parts per million, or milligrams per liter (mg/l)

ppq = parts per quadrillion, or picograms per liter

ppt = parts per trillion, or nanograms per liter

TT = Treatment Technique

Contaminant (units)	traditional MCL in mg/l	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
<b>Microbiological Contaminants</b>						
(1) Total Coliform Bacteria	MCL: (systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample			0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems
(2) Fecal coliform and E. coli	MCL: a routine sample and a repeat sample are total coliform positive, and one is also fecal coliform of E. coli positive			0	Human and animal fecal waste	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
(3) Turbidity	TT	-	TT	n/a	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
(4) Giardia lamblia, viruses, Heterotrophic plate count, Legionella, Cryptosporidium <sup>1</sup>	TT <sup>5</sup>	-	n/a	0	n/a	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

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Radioactive Contaminants						
(5) Beta/photon emitters (mrem/yr)	4 mrem/yr	-	4	0	Decay of natural and man-made deposits	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
(6) Alpha emitters (pCi/L)	15 pCi/L	-	15	0	Erosion of natural deposits	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
(7) Combined radium (pCi/L)	5 pCi/L	-	5	0	Erosion of natural deposits	Some people who drink water containing radium-226 or radium-228 in excess of the MCL over many years may have an increased risk of getting cancer.
(8) Uranium (ppb)	30 µg/l	-	30	0	Erosion of natural deposits	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
Inorganic Contaminants						
(9) Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
(10) Arsenic (ppb)	.05	1000	50	n/a	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
	0.01 <sup>2</sup>		10 <sup>2</sup>	0 <sup>2</sup>		
(11) Asbestos (MFL)	7 MFL	-	7	7	Decay of asbestos cement water mains; Erosion of natural deposits	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
(12) Barium (ppm)	2	-	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
(13) Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
(14) Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Run-off from waste batteries and paints	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

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(15) Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp mills; Erosion of natural deposits	Some people who drink water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
(16) Copper (ppm)	AL=1.3	-	AL=1.3	1.3	Corrosion of household plumbing systems; Erosion of natural deposits	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
(17) Cyanide (ppb)	.2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
(18) Fluoride (ppm)	4	-	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
(19) Lead (ppb)	AL=.015	1000	AL=15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
(20) Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
(21) Nitrate (ppm)	10	-	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
(22) Nitrite (ppm)	1	-	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

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(23) Total Nitrate and Nitrite	10	-	n/a	10	n/a	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
(24) Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
(25) Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
<b>Synthetic Organic Contaminants including Pesticides and Herbicides</b>						
(26) 2,4-D (ppb)	.07	1000	70	70	Runoff from herbicides used on row crops	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
(27) 2,4,5-TP [Silvex] (ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
(28) Acrylamide	TT	-	TT	0	Added to water during sewage/wastewater treatment	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
(29) Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
(30) Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops	Some people who drink water containing the atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
(31) Benzo(a)pyrene[PAH]	.0002	1,000,000	200	0	Leaching from linings of water storage tanks and distribution lines	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
(32) Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

(33) Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
(34) Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rights of way	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
(35) Di(2-ethylhexyl) adipate (ppb)	.4	1000	400	400	Discharge from chemical factories	Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience toxic effects, such as weight loss, liver enlargement or possible reproductive difficulties.
(36) Di(2-ethylhexyl)phthalate (ppb)	.006	1000	6	0	Discharge from rubber and chemical factories	Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
(37) Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards	Some people who drink water containing DBCP well in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
(38) Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
(39) Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
(40) Dioxin [2,3,7,8-TCDD] (ppq)	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
(41) Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
(42) Endrin (ppb)	.002	1000	2	2	Runoff of banned insecticide	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
(43) Epichlorohydrin	TT	-	TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

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(44) Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
(45) Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
(46) Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
(47) Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
(48) Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys or adverse reproductive effects, and may have an increased risk of getting cancer.
(49) Hexachlorocyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their stomach or kidneys.
(50) Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
(51) Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
(52) Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes	Some people who drink water containing ethylene oxamyl in excess of the MCL over many years could experience slight nervous system effects.
(53) PCBs [Polychlorinated biphenyls] (ppt)	.0005	1,000,000	500	0	Runoff from landfills; Discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

(54) Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
(55) Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
(56) Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
(57) Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle	Some people who drink water containing toxaphene in excess of the MCL over many years could experience problems with their thyroid, kidneys, or liver and may have an increased risk of getting cancer.
<b>Volatile Organic Contaminants</b>						
(58) Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
(59) Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
(60) Chlorobenzene (ppb)	.1	1000	100	100	Discharge from chemical and agricultural chemical factories	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
(61) o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical factories	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or spleen, or changes in their blood.
(62) p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or circulatory systems.
(63) 1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
(64) 1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

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(65) cis-1,2-Dichloroethylene (ppb)	.07	1000	70	70	Discharge from industrial chemical factories	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
(66) trans-1,2-Dichloroethylene (ppb)	.1	1000	100	100	Discharge from industrial chemical factories	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
(67) Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
(68) 1,2-Dichloropropane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
(69) Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
(70) Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories; Leaching from landfills	Some people who drink water containing styrene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory system.
(71) Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
(72) 1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
(73) 1,1,1,-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
(74) 1,1,2-Trichloroethane (ppb)	.005	1000	5	3	Discharge from industrial chemical factories	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
(75) Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
(76) Toluene (ppm)	1	-	1	1	Discharge from petroleum factories	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.



(77) Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from plastic factories	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
(78) Xylenes (ppm)	10	-	10	10	Discharge from petroleum factories; Discharge from chemical factories	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
<b>Disinfection By-Products, Precursors, and Residuals</b>						
(79) TTHMs [total trihalomethanes] (ppb)	.10	1000	100	n/a	By-product of drinking water disinfection	Some people who drink water containing trihalomethanes in excess of the MCL over many years could experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
	.08 <sup>3</sup>		80 <sup>3</sup>			
(80) Haloacetic acids (HAA) (ppb)	.060	1000	60	n/a	By-product of drinking water disinfection	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
(81) Bromate (ppb)	.010	1000	10	0	By-product of drinking water disinfection	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
(82) Chloramines (ppm)	MRDL=4	-	MRDL=4	MRDLG=4	Water additive used to control microbes	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
(83) Chlorine (ppb)	MRDL=4	-	MRDL=4	MRDLG=4	Water additive used to control microbes	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
(84) Chlorine dioxide (ppb) <sup>4</sup>	MRDL=0.8	1000	MRDL=800	MRDLG=800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
(84a) Chlorine dioxide, where any two consecutive daily samples taken at the entrance to the distribution system are above the MRDL. <sup>1</sup>	MRDL=0.8			MRDLG=0.8		The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.

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(84b) Chlorine dioxide, where one or more distribution system samples are above the MRDL. <sup>1</sup>	MRDL=0.8			MRDLG=0.8		The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.
(85) Chlorite (ppm)	1	-	1	0.8	By-product of drinking water disinfection	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
(86) Total organic carbon (ppm)	TT	-	TT	n/a	Naturally present in the environment	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous systems effects, and may lead to an increased risk of getting cancer.

<sup>1</sup>This information is for public notification purposes only.

<sup>2</sup>These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/l and there is no MCLG.

<sup>3</sup>Compliance with this total trihalomethanes MCL is required beginning December 16, 2001, for systems serving 10,000 or more persons and beginning December 16, 2003, for systems serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water.

<sup>4</sup>This information is for Consumer Confidence Report purposes only.

<sup>5</sup>*Violations of the treatment technique requirements for filtration and disinfection that involve turbidity exceedances may use the health effects language for turbidity instead.*

VA.R. Doc. No. R05-131; Filed February 9, 2005, 3:04 p.m.



**TITLE 24. TRANSPORTATION AND MOTOR VEHICLES**

**COMMONWEALTH TRANSPORTATION 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 Commonwealth Transportation Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 24 VAC 30-41. Rules and Regulations Governing Relocation Assistance (amending 24 VAC 30-41-30, 24 VAC 30-41-50, 24 VAC 30-41-110, 24 VAC 30-41-190, 24 VAC 30-41-210, 24 VAC 30-41-220, 24 VAC 30-41-230, 24 VAC 30-41-250, 24 VAC 30-41-280, 24 VAC 30-41-290, 24 VAC 30-41-300, 24 VAC 30-41-310, 24 VAC 30-41-320, 24 VAC 30-41-350, 24 VAC 30-41-430, 24 VAC 30-41-500, 24 VAC 30-41-510, 24 VAC 30-41-520, 24 VAC 30-41-530, 24 VAC 30-41-580, 24 VAC 30-41-650, 24 VAC 30-41-660, and 24 VAC 30-41-680).

**Statutory Authority:** §§ 25.1-402 and 33.1-12 of the Code of Virginia; 42 USC § 4601 et seq.; 49 CFR Part 24.

**Effective Date:** April 6, 2005.

**Agency Contact:** Beverly Fulwider, Relocation Program Manager, Right of Way Utilities Division, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-4366, FAX (804) 786-1706 or e-mail Beverly.Fulwider@VDOT.virginia.gov.

**Summary:**

*The following revisions are made to the regulation as a result of changes made to the federal regulations regarding relocation assistance. The Federal Highway Administration published revisions to the federal regulation based on comments from the public and others to clarify present requirements, meet modern needs and improve the service to persons displaced, as well as reducing the burdens of government regulations. The changes fall into four broad categories:*

1. *Definition/term changes: Existing terms are revised (such as the definitions of "comparable replacement housing," "decent, safe, and sanitary housing" and "financial means"). A definition for the new term "dwelling site" is added. The term "handicapped" is changed to "disabled."*
2. *Requirement changes: Requirements are changed (such as allowing "Advisory Services" to permit additional guidelines to aid in a successful business move).*
3. *Computation method changes: Methods of computing various payments are changed (such as the 30% household income rule when computing a rental replacement housing payment, the replacement housing computation payment,*

*and moving costs for low value, high bulk personal property).*

4. *Cost changes: Costs are changed to reflect increases in living expenses since the federal regulation was issued (such as eligible closing costs, search costs, additional eligible expenses to search costs). Other costs are reclassified to eliminate caps on spending (such as reclassifying some eligible reestablishment expenses as actual moving costs).*

**24 VAC 30-41-30. Definitions.**

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

"Business" means any lawful activity, except a farm operation, that is conducted:

1. Primarily for the sale of services to the public; or
2. Primarily for the purchase, sale, lease, rental or any combination of these, of personal or real property, or both, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or
3. Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or
4. By a nonprofit organization that has established its nonprofit status under applicable federal or state law.

"Comparable replacement housing" means a dwelling that is:

1. Decent, safe and sanitary (defined below).
2. Functionally equivalent to the displacement dwelling in that it performs the same function, *and* provides the same utility ~~and is capable of contributing to a comparable style of living~~. While every feature of a displacement dwelling need not be present, the principal features must be provided. Functional equivalency reflects the range of purposes for which the various physical features of a building may be used. Special consideration will be given to the number of rooms, and area of living space. VDOT may consider reasonable trade offs for specific features when the replacement unit is equal to or better than the displacement dwelling.
3. Adequate in size to accommodate the displacee.
4. In a location generally not less desirable than the displacement dwelling with respect to public utilities, commercial and public facilities, and is reasonably accessible to the displacee's place of employment.
5. On a site typical in size for residential use, with normal site improvements. (The site need not include features such as swimming pools or outbuildings.)
6. Currently available to the displaced person on the private market. However, a publicly owned or assisted unit may be comparable for a person displaced from the same type of unit. *In such cases, any requirements of the public housing assistant program relating to the size of the replacement dwelling shall apply.*
7. Within financial means of the displaced person.

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Comparable replacement housing is the standard for replacement housing that VDOT is obligated to make available to displaced persons. It also is the standard for establishing owner and rental purchase supplement benefits.

"Contributes materially" means that during the two taxable years prior to the taxable year in which displacement occurs, or during such other period as VDOT determines to be more equitable, a business or farm operation:

1. Had average annual gross receipts of at least \$5,000; or
2. Had average annual net earnings of at least \$1,000; or
3. Contributed at least 33-1/3% of the owner's or operator's average annual gross income from all sources.

If the application of the above criteria creates an inequity or hardship in any given case, VDOT may approve the use of other criteria as determined appropriate.

"Decent, safe and sanitary housing" means that a dwelling:

1. *Meets local housing and occupancy codes*, is structurally sound, weather tight and in good repair;
2. Has a safe electrical wiring system adequate for lighting and appliances;
3. Contains a heating system capable of maintaining a healthful temperature;
4. Is adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced household;
5. Has a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains sink, toilet, and bathing facilities (shower or bath, or both), all operational and connected to a functional water and sewer disposal system;
6. Provides unobstructed egress to safe open space at ground level. ~~If the unit is above the first floor and served by a common corridor, there must be two means of egress;~~ and
7. Is free of barriers to egress, ingress and use by a displacee who is ~~handicapped~~ *disabled*.

This is the qualitative and safety standard to which displacees must relocate in order to qualify for replacement housing payment benefits provided by VDOT. Decent, safe and sanitary is also an element in the definition of comparable replacement housing defined above.

"Displaced person" means any person who moves from real property or moves personal property from real property as a direct result of the initiation of negotiations for the acquisition of the property; the acquisition of the real property, in whole or in part, for a project; as a direct result of rehabilitation or demolition for a project; or as a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. If the move occurs after a written order to vacate is issued, the occupant is considered a displaced person even though the property is not acquired.

Persons who do not qualify as a displaced person under these regulations include:

1. A person who moves before the initiation of negotiations, unless VDOT determines that the person was displaced as a direct result of the project;
2. A person who initially enters into occupancy of the property after the date of its acquisition for the project;
3. A person who is not required to relocate permanently as a direct result of a project. VDOT, after weighing the facts, shall make such determination on a case-by-case basis;
4. A person who has occupied the property for the purpose of obtaining assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amendments (42 USC § 4601 et seq.);
5. A person who, after receiving a notice of relocation eligibility, is notified in writing that it would not be necessary to relocate. Such notice shall not be issued unless the person has not moved and VDOT agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;
6. An owner-occupant who voluntarily conveys a property after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, VDOT will not acquire the property. In such cases, tenants who are displaced are eligible for relocation benefits;
7. A person whom VDOT determines is not displaced as a direct result of a partial acquisition;
8. A person who is determined by VDOT to be in unlawful occupancy or a person who has been evicted for cause, under applicable law, prior to the initiation of negotiations for the property; or
9. A person determined to be not lawfully present in the United States.

Only parties designated as "displaced persons" are eligible for relocation benefits.

"Dwelling" means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house, a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other residential unit.

*"Dwelling site" means land area that is typical in size for dwellings located in the same neighborhood or rural area.*

"Family" means two or more individuals, one of whom is the head of a household plus all other individuals, regardless of blood or legal ties, who live with and are considered part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of household, they shall be treated as one family for replacement housing payment purposes.

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

"Financial means" of the displaced person means:

1. A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential, all increased mortgage interest costs and all eligible incidental expenses.
2. A replacement dwelling rented by an eligible displaced person is considered to be within their financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling.
3. For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if VDOT pays that portion of the monthly housing costs of a replacement dwelling which exceeds 30% of such person's gross monthly household income or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities, the total of the amount designated for shelter and utilities the person's base monthly rent for the displacement dwelling. *Such rental assistance must be paid under last resort housing.*

"Increased interest payment" means the amount which will reduce the mortgage balance on a new mortgage to an amount that will be amortized with the same monthly payment for principal and interest as that for the mortgage on the displacement dwelling.

"Nonprofit organization" means an organization that is incorporated under the applicable laws of a state as a nonprofit organization and exempt from paying federal income taxes under § 501 of the Internal Revenue Code (26 USC § 501).

"Owner" means any person who purchases or holds any of the following interests in real property:

1. Fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition;
2. An interest in a cooperative housing project which includes the right to occupy a dwelling; or
3. A contract to purchase any of the interests or estates described in the preceding two descriptions of interests in real property.

"Person" means any individual, family, partnership, corporation or association.

"Purchase supplement" means the amount which, when added to the acquisition value, equals the cost of comparable replacement housing.

"Rent supplement" means the amount which equals 42 times the difference between base monthly rental of a displacement dwelling including utilities and the monthly rent of a comparable dwelling including utilities.

"Small business" means any business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites operated solely by outdoor advertising signs, displays or devices do not qualify as a small business eligible for reestablishment expenses.

"State agency" means any department, agency, or instrumentality of the Commonwealth; public authority, municipal corporation, local governmental unit or political subdivision of the Commonwealth or any department, agency or instrumentality thereof; person who has the authority to acquire property by eminent domain under state law; or two or more of the aforementioned, which carries out projects that cause people to be displaced.

#### **24 VAC 30-41-50. Withholding of relocation payment.**

~~A displacee's relocation payment may be withheld to satisfy any rent owed to VDOT provided such payment would not prevent the displaced person from obtaining comparable replacement housing. However, When a displacee is advanced any relocation payment, that amount should be withheld from the relocation payment to which the displacee is other entitled.~~ No relocation payment shall be withheld to satisfy an obligation to any other creditor or for any other purpose.

#### **24 VAC 30-41-110. Relocation planning at acquisition stage.**

A. Prior to the initiation of negotiations the district relocation section will conduct a preacquisition survey of the project. The preacquisition survey is primarily a data gathering function to provide an inventory of relevant characteristics, circumstances and relocation needs of all residential and nonresidential displacees. It should also include a survey of available comparable replacement housing and replacement sites.

B. The district relocation staff will conduct interviews with individuals, families, businesses, farms and nonprofit organizations within the proposed right of way. It is important that accurate and detailed information be obtained that fully reflects the housing needs of each potential displacee.

When the relocation agent visits the potential displacee, the agent should explain that VDOT is conducting a data-gathering survey and that the visit in no way should be construed as a notice to move, or qualification for any relocation benefits. The following points should be explained to the occupant at the time this contact is made:

1. The persons involved must be in occupancy of the subject property when VDOT makes the written offer for the parcel (unless a notice of Intent to Acquire is issued) to qualify for relocation payments; and

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2. The potential displacee should not make any financial commitments concerning replacement housing at this time. The property has not yet been acquired and a premature move could result in disqualification for benefits they would otherwise receive.

C. The survey should include the following information for each displacement unit:

1. The name, home address, home and work telephone numbers of the displacee and the best time to call.
2. The number of people residing in the dwelling, indicating each person's gender, age, and social security numbers for all adults (an adult is anyone age 18 or older).
3. A description of all buildings on the property and a list of all rooms in the dwelling unit. If a mobile home is situated on the parcel, state the exterior dimensions.
4. Any ~~handicaps~~ or disabilities of the occupants which could affect relocation needs.
5. A statement as to whether or not the dwelling meets decent, safe and sanitary standards. If the dwelling does not meet standards, an explanation should be included.
6. The type of displacee, (owner or tenant) and identification of the type of dwelling unit now occupied, (house, apartment, room or mobile home). If the displacee is a tenant, determine if the unit is furnished or unfurnished.
7. The gross family income from all sources including wages, interest, social security, welfare (excluding food stamps), disability payments and other untaxed income.
8. The date the family occupied the dwelling. Care should be exercised in completing this item as it establishes eligibility for various relocation benefits. For tenants, an outside source, owners' rental records, etc., should verify the date of occupancy. Conflicting information about occupancy status must be resolved if they affect eligibility. Rent paid and the cost and type of utilities included in the rent should be secured. Also, determine if a special tenant-landlord relationship exists (son-father, etc.) and determine if the tenant performs any services in lieu of rent.
9. If an owner-displacee has an outstanding mortgage, the monthly payment, interest rate, original amount, term, and the unpaid balance should be secured.
10. The displacee's replacement housing intentions and preferences (specific school district, location, etc.).

**24 VAC 30-41-190. Minimum advisory assistance service requirements.**

A. Advisory assistance service will be provided by personal face to face contact with displacees whenever possible. Services will include measures, facilities or services necessary or appropriate to:

1. Determine the relocation needs, preferences and intentions of each person to be displaced.
2. Explain the relocation eligibility requirements and the procedures for obtaining such assistance. This will include a personal interview with each person. These actions are

taken in the normal course of the pre-acquisition and negotiations phases.

3. Advise displacees that payments are not considered income for tax purposes.

4. Provide current and continuing information on the availability, purchase prices and rental costs of comparable replacement dwellings. Explain that no one can be required to move unless a comparable replacement dwelling is available.

5. Inform the person of the specific comparable replacement dwelling and the price or rent used as the basis for establishing the upper limit of relocation payments. The basis for the determination should be explained.

6. Provide reasonable opportunity to minority persons to relocate to decent, safe and sanitary replacement dwellings, not located in areas of minority concentration, that are within their financial means. This policy, however, does not require VDOT to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

7. Offer all displacees, especially the elderly and ~~handicapped~~ disabled, transportation to inspect housing to which they are referred.

8. Provide current and continuing information on the availability, purchase prices and rental costs of suitable commercial properties and locations for businesses.

9. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location. *Obtain information pertaining to the business' replacement site requirements, current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move.*

10. Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available and such other help as may be appropriate.

11. Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loans and other similar programs administered by federal and state agencies.

12. *Determine if a business has a need for an outside specialist required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery or other personal property.*

13. *For businesses, every effort must be made to identify and resolve realty/personalty issues prior to, or at the time of, the appraisal of the property.*

14. *Determine an estimate of the time required for the business to vacate the site and the anticipated difficulty in locating a replacement site.*

15. *Plan for any advance relocation payments required for the move and the required documentation to receive advance payments.*

Advisory services will be offered on a basis commensurate with the displacee's needs. This may require only minimum assistance when displacees are involved who are well informed, mentally, physically and financially able to manage their displacement and who neither need nor desire VDOT's assistance. A much greater degree and intensity of services and assistance will be provided to those who are elderly, infirm, immobile or otherwise unable to cope with their displacement or economic problems.

B. The relocation agent must offer relocation assistance to every displacee. The displacee may specifically state that there is no need for assistance, other than providing payment offers and processing claims. Even then, the agent must make a subjective judgment as to the ability of the displacee to competently locate, acquire and occupy a decent, safe and sanitary replacement dwelling. If the relocation agent does not feel the displacee possesses the ability to relocate without help, the agent should make efforts to furnish assistance or refer other service providers having specialized knowledge, skills and programs.

C. The relocation agent will notify the displacee in writing of the availability of comparable replacement housing, even though the displacee may have no intention or desire to relocate into the specific dwelling units being referred. The relocation agent can fulfill this requirement by informing the displacee of the comparable replacement housing utilized in the supplemental evaluation and other lower priced comparables. The agent can then tailor continuing relocation efforts to locating replacement housing that meets the particular desires of the displacee.

D. The relocation agent should develop a multitude of sources for replacement housing. These sources will include, but are not limited to the following:

1. Real estate brokers and boards of realtors;
2. Multiple listing agencies;
3. Real estate developers;
4. Housing and Urban Development (HUD) and Veterans Administration (VA) area and region offices;
5. Builders and construction associations;
6. Real estate management firms;
7. Public housing agencies;
8. Newspaper advertisements;
9. Mobile home dealers; and
10. Banks and other lending institutions.

E. The relocation agent should maintain contact, exchange information and coordinate its relocation activities with other displacing agencies and with community organizations rendering services useful to displaced persons. Such agencies should include, but not be limited to: Social Welfare Agencies, Urban Renewal Agencies, Redevelopment Authorities, Federal Housing Administration, Veterans Administration, Small Business Administration, Farmer's Home Administration, Department of Community Affairs, Department of Housing and Urban Development and local

Chambers of Commerce. Local private nonprofit housing service organizations and other community organizations should also be contacted and informed of general displacement activities and needs.

F. Once the displacee locates replacement housing, the agent should be sufficiently knowledgeable in real estate practices to guide the displacee through the procedures necessary to obtain this housing. It is not the responsibility of the agent to assume the role of the various real estate professions. The agent should however counsel the displacee concerning lease and purchase agreement provisions, security deposits, earnest money, mortgages and other forms of financing, closing costs and settlement procedures. The agent should advise the displacee to enter a decent, safe, and sanitary inspection clause in any lease or purchase agreement for replacement housing.

G. It is the duty of the agent to ensure that the displacee receives all payments and benefits to which the displacee is legally entitled. In order to facilitate the payment process, the agent shall assist the displacee in completing all required forms, as well as obtaining any necessary supporting documentation for the payment.

H. Immediately after each contact with the displacee, the agent shall enter on the contact record (Library Form RW-68A) a summary of topics discussed and conclusions or agreements reached. The record should indicate:

1. Date of the contact;
2. Person contacted;
3. Topics discussed;
4. Displacee's attitude and opinion;
5. Notation of available replacement housing offered, if any; and
6. Any other pertinent information obtained during the contact.

## **24 VAC 30-41-210. Actual reasonable moving expenses.**

A. Move performed by commercial mover.

1. If a displaced individual or family desires to have a move performed by a commercial mover, the assigned relocation agent will obtain bids or estimates from two reputable moving companies. VDOT may pay the cost of obtaining bids or estimates, if approved by the district manager. VDOT will retain the right to reject any and all bids. The agent will also assure that all bids or estimates received are based upon the same move specifications and personal property inventory. The maximum payment will be the amount of the lowest acceptable bid or estimate. Since the displaced individual or family has the right to engage the services of any company, VDOT will pay the amount of receipted bills, but not to exceed the amount of the approved low bid or estimate.

2. If the actual cost of the move exceeds the estimated amount, the excess amount may be paid, if sufficient documentation is presented with the claim and the district recommends payment.

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3. The displacee may present an unpaid mover's bill, along with the moving cost claim form, to VDOT for direct payment to the mover.

B. Self-move. An actual cost move may be carried out by the displacee in a self-move for actual, reasonable, and necessary costs expended. The relocation staff should work with the displacee to determine an amount necessary to move the personal property. The displacee may be reimbursed for time spent in moving. The hourly rate of the displacee's time should be reasonable and should not exceed the rates paid to skilled packers and movers of local moving firms. Receipts or other evidence of expenses are necessary for reimbursement. Displacees may not move themselves based on the cost of a commercial move.

C. Reimbursable costs include:

1. Transportation of personal property not to exceed 50 miles.
2. Transportation of persons up to 50 miles, at a mileage rate determined by VDOT, or actual reasonable cost. Special transportation, such as an ambulance for infirm displacees, may also be approved.
3. Packing, crating, unpacking and uncrating of the personal property.
4. Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances and other personal property.
5. Storage of the personal property for a period not to exceed 12 months, unless the district office determines that a longer period is necessary. Storage costs cannot be paid if the storage site is a part of the acquired property or other property owned, leased or controlled by the displacee.
6. Insurance for the replacement value of the property in connection with the move and necessary storage.
7. The replacement value of property lost, stolen or damaged in the process of moving (through no fault or negligence of the displaced person, or an agent or employee of the displaced person) when insurance covering such loss, theft or damage is not reasonably available.

D. The following costs are ineligible for reimbursement as residential move expenses:

1. The cost of moving any structure or other real property improvement in which the displaced person reserved ownership;
2. Interest on a loan to cover moving expenses;
3. Personal injury;
4. Expenses for searching for a replacement dwelling; ~~and~~
5. Additional expenses of living in a new location; *and*
6. *Refundable security and utility deposits.*

## **24 VAC 30-41-220. Moving expense schedule.**

A. In lieu of a payment for actual costs, a displaced person or family who occupies the acquired dwelling may choose to be

reimbursed for moving costs based on a moving expense schedule established by VDOT based on a room count. The schedule is revised periodically, based on a survey of movers, to reflect current costs. The schedule is used by all acquiring agencies throughout the state by agreement coordinated by the Federal Highway Administration.

The room count used will include occupied rooms within the dwelling unit plus personal property located in attics, unfinished basements, garages and outbuildings, or significant outdoor storage. Spaces included in the count must contain sufficient personal property as to constitute a room.

B. A person with minimal personal possessions who is in occupancy of a dormitory style room shared by two or more other unrelated persons, or if the move is performed by VDOT at no cost to the person, shall be limited to \$50.

C. The cost to move a retained dwelling, any other structure, or any item determined to be real estate prior to the move, is not a reimbursable moving cost. However, if an owner-occupant retains the dwelling, including a mobile home, and chooses to use it as a means of moving personal belongings and furnishings, the owner-occupant may receive a moving cost payment based upon the moving expense schedule.

D. A discussion of residential move reimbursement options is contained in the "Guidance Document for Determination of Certain Financial Benefits to Displacees," effective November 21, 2001, *revised February 11, 2005.*

## **24 VAC 30-41-230. General.**

A. The operator of a displaced business, farm or nonprofit organization is entitled to receive payment for the following categories of actual costs associated with moving:

1. Moving costs for relocating all personal property including machinery, equipment and fixtures and disconnect/reconnect costs;
2. Search costs for a replacement location not to exceed ~~\$4,000~~ 2,500; and
3. Reestablishment expenses not to exceed \$25,000.

All moving expenses will be actual and reasonable. To assure this, the district office will monitor the process of conducting inventories, developing move specifications, securing commercial moving bids and estimates and observing the conduct of the move. Emphasis will be directed toward moves that are of a complicated nature or involve a substantial expenditure.

B. As an alternative to the actual cost reimbursement as explained above, the displaced business, farm or nonprofit organization that meets certain criteria may choose to receive a fixed payment in lieu of actual moving expenses not less than \$1,000 or more than \$50,000. The specific amount is based on the net income of the displaced business, farm or nonprofit organization.

The reimbursable actual moving expenses and the fixed payment in lieu of moving expenses are explained in detail in the remainder of this part.



C. The displaced business, farm, or nonprofit organization is required to file a written application, Form RW-60B with VDOT and obtain approval prior to the date on which the move is to be accomplished. After the move has been completed, the displacee must complete and submit a relocation certification claim, Form RW-67B, within 18 months after the later of the following dates:

1. The date the displacee moves from the real property, or moves personal property from real property; or
2. The date of acquisition.

#### **24 VAC 30-41-250. Actual reasonable moving costs.**

A. Eligible and ineligible moving costs. The following items are eligible for reimbursement as moving costs if they are reasonable and are actually incurred during the moving process:

1. Transportation costs for moving the personal property. The transportation charges will normally be reimbursed for up to the first 50 miles of travel. When the move exceeds 50 miles, all estimates should be prepared based upon a move of 50 miles. Similarly, the mover's bill must be detailed to show transportation costs for the first 50 miles as well as the cost for the remainder of the distance. When VDOT determines that the business cannot be relocated within a 50-mile limit, reimbursement will be allowed to the nearest adequate and available site.
2. Packing, crating, unpacking and uncrating the personal property.
3. Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment and other personal property. This includes connections to utilities available nearby. It also includes modification of the personal property necessary to adapt it to the replacement structure, the replacement site or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right of way to the building or improvement are excluded.)
4. Storage costs not to exceed 12 months, including moving in and out of storage. Storage costs for a longer period may be approved if the district manager determines that a longer period is necessary. Costs for storage of personal property on a site owned, leased or controlled by the displaced person are not eligible.
5. Insurance for replacement value due to the loss, theft or damage to the personal property in connection with the move and necessary storage. Where insurance is not reasonably available, the replacement value of property lost, stolen or damaged in the process of moving may be paid, unless the loss results from fault or negligence of the displaced person, their agent, or employee.
6. Any license, permit or certification required at the replacement location. The payment may be based on the remaining useful life of the existing permit, license or certification.
7. Professional services necessary for planning the move, moving and installing personal property at the replacement

location. This can include the displacee's time, provided the claim is well documented.

8. The relettering of signs and the cost of replacing stationery on hand at the time of the move that are made obsolete by the acquisition.

*9. Providing utilities from right-of-way to improvements on the replacement site.*

*10. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the district office, a reasonable, preapproved hourly rate may be established.*

*11. Impact fees or one-time assessments for anticipated heavy utility usage.*

~~9.~~ 12. Other moving related expenses that are not listed as ineligible in subsection B of this section as determined to be reasonable and necessary.

B. The following items are ineligible for reimbursement as moving costs:

1. Any additional expense incurred because of operating at a new location except as provided as a business reestablishment expense;
2. Cost of moving structures, improvements, or other items of realty retained by the owner;
3. Physical changes to the real property at the replacement location of a business, farm or nonprofit organization except as provided for in subsection A of this section and 24 VAC 30-41-310;
4. Interest on loans to cover moving expenses;
5. Loss of goodwill;
6. Loss of trained or skilled employees, or both;
7. Loss of business or profits, or both; and
8. Personal injury.

#### **24 VAC 30-41-280. Low value, high bulk personal property.**

When personal property which is used in connection with the business to be moved is of low value and high bulk, such as firewood, sand, gravel, etc., and the estimated cost of moving would be disproportionate in relation to its value, the district office may negotiate with the owner for an amount not to exceed the ~~difference between the cost to replace the item and the amount which would probably have been received for the item or items on liquidation.~~ This amount may not exceed the ~~estimated cost of moving the property.~~ *lesser of:*

1. *The amount that would be received if the property were sold at the site; or*
2. *The replacement cost of a comparable quantity delivered to the new business location.*

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However, the owner retains the right to have the property moved if desired.

## **24 VAC 30-41-290. Actual direct losses of tangible personal property.**

A. Actual, direct losses of tangible personal property are allowed when a person who is displaced from a business, farm or nonprofit organization is entitled to relocate such property but elects not to do so. This may occur if an item of equipment is bulky and expensive to move, but is obsolete and the owner desires to replace it with a new item that performs the same function. Payments for actual, direct losses can be made only after an effort has been made by the owner to sell the item involved. When the item is sold, payment will be determined in accordance with subsection B or C of this section. If the item cannot be sold, the owner will be compensated in accordance with subsection D of this section. The sales prices and the cost of advertising and conducting the sale, must be supported by copies of bills, receipts, advertisements, offers to sell, auction records and other data supporting the bona fide nature of the sale.

B. If an item of personal property which is used in connection with the business is not moved but is replaced with a comparable item at the new location, the payment will be the lesser of:

1. The replacement cost minus the net proceeds of the sale. Trade-in value may be substituted for net proceeds of sale where applicable; or
2. The estimated cost of moving the item to the replacement site but not to exceed 50 miles.

C. If the item is not to be replaced in the reestablished business, the payment will be the lesser of:

1. The difference between the market value of the item in place for continued use at its location prior to displacement less its net proceeds of the sale; or
2. The estimated cost of moving the item to the replacement site but not to exceed 50 miles. (See "Guidance Document for Determination of Certain Financial Benefits for Displacees," effective November 21, 2001, *revised February 11, 2005* for example.)

D. If a sale is not effected under subsection B or C of this section because no offer is received for the property and the property is abandoned, payment for the actual direct loss of that item may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item 50 miles, whichever is less, plus the cost of the attempted sale, irrespective of the cost to VDOT of removing the item.

E. The owner will not be entitled to moving expenses or losses for the items involved if the property is abandoned with no effort being made to dispose of it by sale, or by removal at no cost. The district manager may allow exceptions to this requirement for good cause.

F. The cost of removal of personal property by VDOT will not be considered as an offsetting charge against other payments to the displaced person.

## **24 VAC 30-41-300. Searching expenses.**

A. A displaced business, farm operation, or nonprofit organization is entitled to reimbursement for actual expenses, not to exceed ~~\$4,000~~ \$2,500, as VDOT determines to be reasonable, which are incurred in searching for a replacement location, and includes expenses for:

1. Transportation. A mileage rate determined by VDOT will apply to the use of an automobile-;
2. Meals and lodging away from home-;
3. Time spent searching, based on reasonable salary or earnings-;
4. Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site-;
5. *Time spent in obtaining permits and attending zoning hearings; and*
6. *Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.*

B. Documentation for a move search claim will include expense receipts and logs of times, dates and locations related to the search. (See "Guidance Document for Determination of Certain Financial Benefits for Displacees," effective November 21, 2001, *revised February 11, 2005*, for example.)

## **24 VAC 30-41-310. Reestablishment expenses.**

A. A small business, farm or nonprofit organization may be eligible to receive a payment, not to exceed \$25,000, for expenses actually incurred in reestablishing operations at a replacement site. A small business, farm or nonprofit organization that elects a fixed payment in lieu of actual moving expenses is not eligible for a reestablishment expense payment.

B. Eligible expenses. Reestablishment expenses must be reasonable and actually incurred. They may include the following items:

1. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance;
2. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;
3. Construction and installation costs for exterior signing to advertise the business;
4. ~~Providing utilities from right of way to improvements on the replacement site;~~
5. ~~4. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting;~~
6. ~~5. Licenses, fees and permits when not paid as part of moving expenses;~~
7. ~~Feasibility surveys, soil testing and marketing studies;~~

- ~~8-~~ 6. Advertisement of replacement location;
- ~~9-~~ Professional services in connection with the purchase or lease of a replacement site;
- ~~10-~~ 7. Increased costs of operation during the first two years at the replacement site for such items as:
- Lease or rental charges;
  - Personal or real property taxes;
  - Insurance premiums; and
  - Utility charges, excluding impact fees.
- ~~11-~~ Impact fees or one-time assessments for anticipated heavy utility usage.
- ~~12-~~ 8. Other items that VDOT considers essential to the reestablishment of the business.

A discussion of business reestablishment costs is contained in the "Guidance Document for the Determination of Certain Financial Benefits to Displacees," effective November 21, 2001, revised February 11, 2005.

C. Ineligible expenses. The following is a nonexclusive listing of ineligible reestablishment expenditures.

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures;
- Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operation;
- Interest on money borrowed to make the move or purchase the replacement property; and
- Payment to a part-time business in the home which does not contribute materially to the household income.

#### **24 VAC 30-41-320. Fixed payment in lieu of actual costs.**

A. A displaced business, farm or nonprofit organization, meeting eligibility criteria may receive a fixed payment in lieu of a payment for actual moving and related expenses. The amount of this payment is equal to its average annual net earnings as computed in accordance with subsection E of this section, but not less than \$1,000 nor more than \$50,000.

B. Criteria for eligibility. For an owner of a displaced business to be entitled to a payment in lieu of actual moving expenses, the district office must determine that:

- The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, it vacates or relocates from its displacement site.
- The displaced business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless VDOT determines, for a stated reason, that it will not suffer a substantial loss of its existing patronage.
- The business is not part of a commercial enterprise having more than three other entities which are not being acquired by VDOT and which are under the same

ownership and engaged in the same or similar business activities. (For purposes of this rule, any remaining business facility that did not contribute materially to the income of the displaced person during the two taxable years prior to displacement shall not be considered "other entity.")

4. The business is not operated at displacement dwelling or site solely for the purpose of renting such dwelling or site to others.

5. The business contributed materially to the income of the displaced person during the two taxable years prior to displacement. However, VDOT may waive this test for good cause. A part-time individual or family occupation in the home that does not contribute materially to the displaced owner is not eligible.

C. In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:

- The same premises and equipment are shared;
- Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
- The entities are held out to the public and to those customarily dealing with them, as one business; and
- The same person, or closely related persons own, control, or manage the affairs of the entities.

The district office will make a decision after consideration of all the above items and so advise the displacee.

D. A displaced farm operation may choose a fixed payment in lieu of the payments for actual moving and related expenses in an amount equal to its average annual net earnings as computed in accordance with subsection E of this section, but not less than \$1,000 nor more than \$50,000. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if VDOT determines that:

- The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
- The partial acquisition caused a substantial change in the nature of the farm operation.

A displaced nonprofit organization may choose a fixed payment of \$1,000 to \$50,000 in lieu of the payments for actual moving and related expenses if VDOT determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless VDOT demonstrates otherwise. Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses.

Gross revenues for a nonprofit organization include membership fees, class fees, cash donations, tithes, receipts from sales or other forms of fund collection that enables the

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nonprofit organization to operate. Administrative expenses are for administrative support, such as rent, utilities, salaries, advertising and other like items, as well as fund raising expenses. Operating expenses are not included in administrative expenses.

E. Payment determination. The term "average annual net earnings" means one-half of all net earnings of the business or farm before federal, state and local income taxes, during the two tax years immediately preceding the tax year in which the business or farm is relocated. If the two years immediately preceding displacement are not representative, VDOT may use a period that would be more representative. For instance, proposed construction may have caused recent outflow of business customers, resulting in a decline in net income for the business.

The term "average annual net earnings" include any compensation paid by the business to the owner, spouse, or dependents during the two-year period. In the case of a corporate owner of a business, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife and their children shall be treated as one unit.

If the business, farm or nonprofit organization was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate.

F. Information to be provided by owner. For the owner of a business, farm or nonprofit organization to be entitled to this payment, the owner must provide information to support the net earnings of the business, farm or nonprofit organization. State or federal tax returns for the tax years in question are the best source of this information. However, certified financial statements can be accepted as evidence of earnings. The tax returns furnished must either be signed and dated or accompanied by a certification from the business owner that the returns being furnished reflect the actual income of the business as reported to the Internal Revenue Service or the State Department of Taxation for the periods in question. The owner's statement alone would not be sufficient if the amount claimed exceeded the minimum payment of \$1,000.

A more complete discussion of this benefit is contained in the "Guidance Document for Determination of Certain Financial Benefits for Displacees," effective November 21, 2001, revised February 11, 2005.

## **24 VAC 30-41-350. Partially eligible occupants.**

A person who occupies a dwelling prior to its acquisition by VDOT, but who did not occupy it long enough (90 days) to gain full eligibility, may still qualify for a last resort housing rent supplement when a comparable rental is not available at or below 30% of the person's monthly gross income *within their financial means*.

When length of occupancy places a person in this category, a rent supplement computation using 30% of the person's monthly gross income as the base rent must be computed and offered. Regardless of the amount, an offer under these

circumstances must be documented using last resort housing procedures (see 24 VAC 30-41-660).

## **24 VAC 30-41-430. Purchase supplement payment computation.**

### A. Method.

1. The probable selling price of a comparable dwelling will be determined by the district office by analyzing at least three dwellings from the inventory of available housing, Library Form RW-69B, which are available on the private market and which meet the criteria of a comparable replacement dwelling. Less than three comparables may be used for this determination when fewer comparable dwellings are available. The relocation agent performing the determination must provide a full explanation supporting the determination, including a discussion of efforts to locate more than one comparable. One comparable, from among those evaluated and considered, will be selected as the basis for the purchase supplement determination. The selection will be made by careful consideration of all factors in the dwellings being considered which affect the needs of the displacee with reference to the elements in the definition of comparable replacement housing.

Refer to the "Guidance Document for Determination of Certain Financial Benefits for Displacees," effective November 21, 2001, revised February 11, 2005, for a step-by-step summary of the determination process, and an example of the purchase supplement payment computation.

2. If comparable decent, safe and sanitary housing cannot be located, after a diligent search of the market, available non-decent, safe and sanitary replacement dwellings may be used as the basis for the maximum amount of the purchase supplement. In these cases, the maximum payment will be established by obtaining cost estimates from persons qualified to correct the decent, safe and sanitary deficiencies and adding this amount to the probable selling price of the available replacement housing.

A displacee will not be required to vacate the displacement dwelling until decent, safe and sanitary housing has been made available.

~~3. Consideration will be given to adjusting the asking price of the comparable dwelling selected as the basis for the Purchase Supplement Determination. This will be done to the extent that local housing market data reflects a difference between asking or listing prices and sale prices. If the asking price of the selected comparable dwellings is adjusted the agent will advise the displaced person concerning negotiations practices, to enable the displacee to enter the market as a knowledgeable buyer. If a displaced person elects to purchase the comparable, but cannot acquire the property for the adjusted price, it is appropriate to increase the replacement housing payment up to the offer or listing amount. Where a dwelling is obviously overpriced in relation to other comparables, it may not be used in the replacement housing computation.~~

B. Major exterior attributes. When the dwelling selected in computing the payment is similar, except it lacks major exterior attributes present at the displacement property such

as a garage, outbuilding, swimming pool, etc., the appraised value of such items will be deducted from the acquisition cost of the acquired dwelling for purposes of computing the payment. No exterior attributes are to be added to the comparable. However, the added cost of actually building an exterior attribute at the replacement property occupied, may be added to the acquisition cost provided major exterior attributes having the same function are found in the displacement property and in the comparable used to determine the maximum payment.

The following calculation shows how a purchase supplement is determined when a major exterior attribute is present:

Example	
Major Exterior Attribute (swimming pool)	
The appraiser assigned \$5,000 contributing value for the pool, and a total property value of \$100,000. A comparable house, not having a pool, is listed for sale at \$105,000. After a 3% adjustment, a probable selling price of \$101,850 is determined for the comparable property. The purchase supplement amount is computed below:	
Comparable Dwelling (adjusted)	\$101,850
Less:	
Displacement property value	\$100,000
Less value of the pool	\$5,000
Adjusted displacement property value	\$95,000
Purchase Supplement Amount	\$6,850

C. Comparable housing not available.

1. In the absence of available comparable housing upon which to compute the maximum replacement housing payment, the district office may establish the estimated selling price of a new comparable decent, safe and sanitary dwelling on a typical home site. To accomplish this, the district office will contact at least two reputable home builders for the purpose of obtaining firm commitments for the cost of building a comparable dwelling on a typical home site.

2. If the only housing available greatly exceeds comparable standards, a payment determination may be based on estimated construction cost of a new dwelling which meets, but does not exceed, comparable standards.

**24 VAC 30-41-500. Incidental expenses (closing costs incurred in purchase of replacement dwelling).**

The incidental expenses payment is the amount necessary to reimburse the homeowner for the reasonable costs actually incurred incidental to the purchase of the replacement dwelling, but not for prepaid expenses such as prepaid real estate taxes, fire insurance, etc. Such costs include the following items if normally paid by the buyer:

1. Legal, closing and related costs, including those for title search and mortgage insurance, preparing conveyance instruments, notary fees, preparing surveys and plats and recording fees;
2. Lender, Federal Housing Administration (FHA) or Veterans Administration (VA) appraisal fees;
3. FHA or VA application fee;

4. Professional home inspection or certification of structural soundness when required by the lender;
5. Credit report;
6. Owner's and mortgagee's evidence of title, e.g., title insurance, (not to exceed the cost for the comparable replacement dwelling);
7. Escrow agent's fee;
8. State and local revenue or documentary stamps, sales or transfer taxes charged to record deed (not to exceed the costs for a comparable replacement dwelling);
9. Loan origination or assumption fees that do not represent prepaid interest;
10. Purchaser's points, but not seller's points, normal to similar real estate transactions; and
11. Such other costs as VDOT determines to be incidental to the purchase.

No fee, cost, charge or expense is reimbursable as an incidental expense when it is determined to be part of the debt service or finance charge under the Truth in Lending Act. Except when the replacement housing amount is paid into escrow, the combined total of the payments under this section will be claimed and paid in a lump sum.

**24 VAC 30-41-510. Owner-occupant for 180 days or more who rents.**

A. An owner-occupant eligible for a replacement housing payment under this section who elects to rent a replacement dwelling is eligible for a rental replacement housing payment ~~not to exceed \$5,250~~. The amount of a rent supplement also will not exceed the amount the displaced family would have received had the family purchased replacement housing.

B. The payment is to be computed and disbursed in accordance with the provisions of 24 VAC 30-41-520, except that the present rental rate for the displacement dwelling will be the economic rent.

C. An owner-displacee retains eligibility for a replacement housing payment if replacement housing is purchased and occupied within one year after the date of final payment is received for the acquired property. Further, eligibility to submit a claim for relocation benefits extends for 18 months from the date of final payment for the acquired property. An owner who initially rents replacement housing may later purchase and qualify for a replacement housing payment. The total amount of the rent and the purchase supplements, however, will not exceed the amount that would have been received if the displacee had initially purchased replacement housing.

**24 VAC 30-41-520. General.**

A. A residential tenant who was in occupancy at the displacement dwelling for 90 days or more before the initiation of negotiations for the property is eligible to receive a rent supplement to provide for relocation to comparable replacement housing. An owner-displacee who was in occupancy from 90--179 days before the initiation of

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negotiations is eligible for the same benefits as the tenant-displacee of 90+ days.

B. A displaced owner or tenant eligible under this category can receive a replacement housing payment not to exceed \$5,250 to rent a decent, safe and sanitary replacement dwelling. A tenant may be eligible for a down payment supplement up to \$5,250. The monetary limit of \$5,250 for a rental replacement housing payment, or a down payment supplement, does not apply if provisions of Last Resort Housing are applicable (see Part XI (24 VAC 30-41-650 et seq.)).

C. A discussion of rent supplement determination is found in the "Guidance Document for the Determination of Certain Financial Benefits to Displacees," effective November 21, 2001, revised February 11, 2005.

## **24 VAC 30-41-530. Payment computation.**

A. The rental replacement housing determination is 42 times the amount obtained by subtracting the base monthly rental including utilities (heat, electric, water and sewer) for the displacement dwelling from the lesser of:

1. The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as defined in 24 VAC 30-41-30; or
2. The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary replacement dwelling actually occupied by the displaced person.

B. The district office will determine the rental rates of comparable housing by use of the three comparable methods (24 VAC 30-41-430), except with regard to the adjustment of asking price. Less than three comparables may be used for this determination when it is concluded, after a diligent search, that fewer comparable rental units are available. If the determination is based on fewer than three comparables, the project file will be documented as to the efforts to locate comparable housing.

C. The base monthly rental for the displacement dwelling is the lesser of:

1. The average monthly cost for rent and utilities at the displacement dwelling during the last three months. For an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent unless its use would result in a hardship because of the person's income or other circumstances; or
2. Thirty percent of the average gross household income from all sources *if the amount is classified as low income by the U.S. Department of Housing and Urban Development (HUD)*. Income must be supported by tax documents, employer verification, etc. If the district manager determines that income is not disclosed or the amount is not adequately supported, the benefit will be based on rent and utilities in subdivision 1 of this subsection; or
3. *The total of the amounts designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amount for shelter and utilities.*

D. Utility costs of heat, electricity, water and sewer must be included in both the displacement and selected comparable rent. Reasonable efforts should be made to secure accurate information. The displacee's utility bills or a statement from the utility company is best. If actual costs are not available, a reasonable estimate should be made based on size and type of unit and other factors. The basis for the utility estimate should be documented in the project file.

E. If the displacee receives public assistance that allocates an amount for housing costs and the displacee has been informed of such allocation, the payment will be considered within the individual's financial means and the rent supplement will be computed in accordance with this section.

## **24 VAC 30-41-580. Section 8 Housing Assistance Program for low income families.**

A. Program features.

1. Section 8 is a rent subsidy program funded by the U.S. Department of Housing and Urban Development (HUD), to enable low-income families to rent privately owned decent, safe and sanitary housing. Section 8 is administered by local housing agencies. Landlords receive a subsidy representing the difference between 30% of an eligible tenant's adjusted gross household income, and reasonable housing rent as determined under program rules.

There are three types of Section 8 housing:

- a. A certificate based on the income of the recipient and the rent paid;
- b. A voucher, which pays a specific amount toward the recipient's rent; and
- c. Market rehab unit.

The first two program types are portable, meaning the benefit moves with the recipient. The market rehab form stays with the housing facility.

2. Section 8 assistance has a feature that is superior to the relocation rent supplement in that it is not limited to 42 months, but continues as long as the recipient household is income eligible. The district office should make every effort to relocate existing Section 8 recipients to units in which their Section 8 benefits will continue. If a normal relocation rent supplement is paid, the local housing agency may consider this income, and disqualify the displaced household from eligibility for Section 8. It may be difficult to reenter the program, as there is usually a long waiting list. The district office should closely coordinate with the administering local housing agency.

B. Replacement housing payment computation. In order to transfer Section 8 benefits the recipient must relocate to a decent, safe and sanitary unit in which the owner agrees to participate in this program. Local housing agencies generally maintain current lists of participating owners and properties.

The criteria below will apply, corresponding to the type of Section 8 program the displacee is receiving:

1. For the certificate program, rent must be less than the ceiling set as fair market rent in the HUD schedule for the

local area. Housing agencies will provide a copy of the current HUD established local schedule.

2. For a recipient in the voucher program Section 8 will pay up to the housing authority approved payment standard for the area. This is usually 80-100% of the fair market rent in subdivision 1 of this subsection. The recipient may pay the landlord the difference if actual rent is higher than the standard.

3. Market rehab Section 8 recipients may remain in Section 8 on concurrence of the local housing agency and the landlord.

In determining the rent supplement amount, assume utility costs are the same as before relocation. An effort should be made to use comparable dwellings meeting Section 8 criteria. The standard of base monthly rent should be used, which is the lower of the following: existing rent before subsidy, market rent, or 30% of income. Under the Section 8 certificate program, rent paid should be the same as 30% of income. However, this will not always be the case in the Voucher program. An example is provided below:

Example Rent Supplement - Section 8 Voucher Program	
<b>FACTS BEFORE RELOCATION:</b>	
Displacee household income	\$1,000/month
30% of income	\$300/month
Fair market rent and contract rent	\$550/month
Actual rent paid (Section 8 voucher = \$225)	\$325/month
<b>AFTER RELOCATION:</b>	
Displacee moves to comparable housing at \$550/month and retains Section 8 voucher paying \$225 to landlord. VDOT pays rent supplement on incremental difference between 30% of income (\$300) and actual replacement rent (\$325).	
(\$325 - \$300) X 42 months - \$1,050	

C. Displacee options. The agent will inform the displacee of the replacement housing payment, both with and without Section 8 participation and advise of the following options:

1. Accept VDOT conventional rent supplement, which is limited to 42 months, and may disqualify the displacee for Section 8 in the future; ;
2. Receive down payment subsidy of \$5,250 to assist in purchase of a replacement dwelling; ; or
3. Retain Section 8. VDOT will pay rent supplement only to the extent of any difference between Section 8 subsidy and base monthly rent (as in above example). In most cases, the VDOT payment will be \$0. Tenants should be encouraged to accept this option if they plan to continue to rent and have no prospects of significant increase of income.

D. Tenant not on Section 8 before displacement. Determine rent supplement based on comparable unsubsidized housing, and the lesser of existing rent, market rent or 30% of income *if classified as low income by HUD*. This is a conventional rent supplement situation. If the tenant moves to Section 8 housing as a replacement, recalculate based on the net

increase (if any) in monthly housing cost to the displacee after applying the Section 8 subsidy.

**24 VAC 30-41-650. General.**

A. No displaced persons will be required to move until a comparable replacement dwelling is made available within their financial means. Comparable replacement housing may not be available on the private market or does not meet specific requirements or special needs of a particular displaced family. Also, housing may be available on the market, but the cost exceeds the benefit limits for tenants and owners of \$5,250 and \$22,500, respectively. If housing is not available to a displacee and the transportation project would thereby be prevented from proceeding in a timely manner, VDOT is authorized to take a broad range of measures to make housing available. These measures, which are outside normal relocation benefit limits, are called collectively last resort housing.

B. It is the responsibility of VDOT to provide a replacement dwelling, which enables the displacee to relocate to the same ownership or tenancy status as prior to displacement. The displacee may voluntarily relocate to a different status. The district office may also provide a dwelling, which changes a status of the displacee with their concurrence, if a comparable replacement dwelling of the same status is not available.

A more complete discussion of last resort housing appears in the "Guidance Document for Determination of Certain Financial Benefits for Displacees," effective November 21, 2001, *revised February 11, 2005*.

**24 VAC 30-41-660. Utilization of last resort housing.**

Last resort housing is applicable when:

1. Comparable replacement housing is not available on the housing market; or
2. Comparable replacement housing is available, but:
  - a. The computed replacement housing payment exceeds the \$22,500 limitation; or
  - b. The computed rent supplement exceeds the \$5,250 limitation.
3. Comparable housing is not available within the financial means of a displaced person who is ineligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements ~~and when comparable replacement rental housing is not available at rental rates within 30% of the person's gross monthly household income.~~

**24 VAC 30-41-680. Last resort housing alternative solutions.**

A. VDOT has broad latitude in the methods used and the manner in which it provides housing of last resort. After consideration of all practical options, a method should be selected which provides comparable housing at the most reasonable cost, within the time constraints of roadway project scheduling and urgency of the displacee's need. Methods for providing this housing include, but are not limited to:

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1. Making an offer and payment greater than \$22,500 for a displaced owner or \$5,250 for a displaced tenant;
2. Rehabilitation, modifications or additions to an existing replacement dwelling to accommodate displacee needs;
3. The construction of a new replacement dwelling;
4. The relocation and, if necessary, rehabilitation of a replacement dwelling;
5. The purchase of land or a replacement dwelling, or both, by VDOT and subsequent sale, lease to, or exchange with a displaced person;
6. Acting as mortgagee in financing a displacee's purchase of housing; and
7. The provision of features such as entrance ramps, wide doors, etc., which will make a dwelling accessible to a ~~handicapped~~ *disabled* displacee.

RW-65B(1), Application for Purchase Replacement Housing Payment (Owner-occupant for less than 180 days but not less than 90 days/Tenant-occupant of not less than 90 days) (rev. 4/01).

RW-65C(1), Application for Rental Replacement Housing Payment (rev. 11/98).

RW-67A, Moving Cost Payment Claim (Families and Individuals/Personal Property only) (rev. 11/98).

RW-67B, Moving Cost Payment Claim (Businesses, Farms, and Nonprofit Organizations) (rev. ~~8/99~~ 2/05).

B. Under special circumstances, consistent with the definition of a comparable replacement dwelling, consideration will be given to providing replacement housing with space and physical characteristics different from those in the displacement dwelling. This may include upgraded, but smaller replacement housing that is decent, safe and sanitary and adequate to accommodate families displaced from marginal or substandard housing. In no event, however, will a displaced person be required to move into a dwelling that is not functionally equivalent to the displacement dwelling.

## DOCUMENTS INCORPORATED BY REFERENCE

Guidance Document for Determination of Certain Financial Benefits for Displacees, ~~November 21, 2004~~ rev. February 11, 2005, Right of Way and Utilities Division, Virginia Department of Transportation.

**NOTICE:** The forms used in administering 24 VAC 30-41, Rules and Regulations Governing Relocation Assistance, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## FORMS

RW-59(1) (Form letter for moving families w/certification of citizenship/legal residence) (rev. 11/98).

RW-59(2) (Form letter for moving personal property w/certification of citizenship/legal residence) (rev. 8/99).

RW-59(3) (Form letter for moving businesses, farms, and nonprofit organizations w/certification of citizenship/legal residence) (rev. ~~8/00~~ 2/05).

Occupancy Agreement (no form number) (rev. 8/99).

RW-60A, Moving Cost Application (Families and Individual/Personal Property only) (rev. 10/00).

RW-60B, Moving Cost Application (Businesses, Farms, and Nonprofit Organizations) (rev. 8/00).

RW-62C, Occupancy Affidavit (Tenants) (rev. 8/99).

RW-65A(1), Application for Purchase Replacement Housing Payment (Owner-occupant for 180 days or more) (rev. 4/01).



R06V2R06

RW-59(3)  
Rev. 6/02-2/05

Route: <<(Route\_Text)>>  
State Project: <<(Project\_Number\_Text)>>  
Federal Project No.: N/A  
County: <<(Project\_City\_County\_Name)>>  
PPMS I.D.: <<(Upc\_Id)>>

RIGHT OF WAY - Property of <<(List\_Of\_Owners)>>  
Parcel <<(Parcel\_Id)>>  
Displacee: <<(Party\_Name)>>

<<(Party\_Name)>>  
<<(Party\_Address\_1)>>  
<<(Party\_City)>>, <<(Party\_State\_Name)>> <<(Party\_Zip)>>

Dear :

The Virginia Department of Transportation (VDOT) is planning the construction and improvement of the captioned project. It is our intention to assist those businesses, farms, and non-profit organizations who may have to move because of this construction.

We have briefly discussed the services and payments you may qualify for if you are required to move. For a more detailed description, please refer to the brochure given to you.

- A. **RELOCATION ASSISTANCE** – In an effort to provide assistance and minimize any inconvenience if you have to move, we will make available the following:
1. Information regarding the availability, sale and rental of commercial properties and locations for displaced businesses, farms and non-profit organizations.
  2. Information and programs offering assistance to businesses, farms and non-profit organizations.
  3. List of commercial movers.
- B. **RELOCATION PAYMENTS** – A displaced business, farm or non-profit organization may be eligible to receive relocation payments if you occupy the property to be acquired at the time VDOT makes the initial offer to purchase. You may be eligible to receive one or more of the following payments:

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# Final Regulations

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R06V2R06

RW-59(3)  
Rev. 6/02-2/05

1. **ACTUAL MOVING EXPENSES** – Reimbursement for actual, reasonable expenses incurred in moving personal property and expenses incurred (not to exceed \$1,000 2,500) in searching for a replacement site.
2. **RE-ESTABLISHMENT EXPENSES** – A small business, farm or non-profit organization may be entitled to re-establishment expenses up to \$25,000 in addition to the actual moving expenses. You are not eligible for these expenses if a fixed moving cost payment is made.
3. **FIXED MOVING COST PAYMENT** – In some instances, a business, farm or non-profit organization may be entitled to a minimum of \$1,000 and a maximum of \$50,000 in lieu of actual moving costs payment.

If you do not agree with the relocation services you receive, you may appeal in writing to the District Right of Way and Utilities Manager within 90 days of the date VDOT makes its relocation offer or notifies you of your eligibility to receive a payment.

Thank you for your cooperation and the information you provided that will assist VDOT in determining your needs in relocating. If you have any questions concerning this project or your relocation entitlements, please feel free to contact me.

Sincerely,

cc: Mr. <<(System\_Rw\_Util\_Mgr\_Name)>> (BDF)

Under penalties of perjury, I certify that I am:

- A United States Citizen  
 An Alien in Legal Residence (Visa, Work Permit)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

R27V2

RW-67B  
Rev. 8/99 2/05

**MOVING COST PAYMENT CLAIM  
BUSINESSES, FARMS AND NON-PROFIT ORGANIZATIONS**

State Project: <<(Project\_Number\_Text)>>  
Federal Project: <<(Federal\_Rw\_Number\_Text)>>  
County: <<(Project\_City\_County\_Name)>>  
PPMS I.D.: <<(Upc\_Id)>>

Landowner: <<(List\_Of\_Owners)>> Parcel: <<(Parcel\_Id)>>  
Displacee (Owner/Tenant): \_\_\_\_\_ TIN #: \_\_\_\_\_  
New Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Approximate Distance Moved: \_\_\_\_\_

**COST OF MOVING PROPERTY**

This is to advise that I completed the removal of my personal property on \_\_\_\_\_. In accordance with my application dated \_\_\_\_\_ and your approval dated <<(Approved\_Moving\_Date)>>, I hereby claim a moving expense payment of \$\_\_\_\_\_.

Application was submitted and approved in accordance with the following:

- ACTUAL MOVING EXPENSES**
  - Commercial Mover
    - Pay commercial mover directly – (Attach unpaid bill)
    - Reimburse displacee – (Attach receipt)
  - Self Move – (Attach receipts or other evidence of expenses)
  - Storage Cost \$ \_\_\_\_\_ (Attach receipt – limited to 12 months)
  - Search Cost (Limited to \$1,000 2,500)
  - Transportation Expenses – (Attach receipts) \$ \_\_\_\_\_
  - Meals – (Attach receipts) \$ \_\_\_\_\_
  - Lodging Away from Home – (Attach receipts) \$ \_\_\_\_\_
  - Searching Fees of Real Estate Agents or Brokers – (Attach receipt) \$ \_\_\_\_\_
  - Time Spent in Searching for Replacement Business – (Attach explanation) \$ \_\_\_\_\_
  - Total Expense incurred in Searching for Replacement Business \$ \_\_\_\_\_
  - Reestablishment Expenses (Attach receipts or other evidence of expenses – Small businesses, farms and non-profit organizations only.)
- FIXED PAYMENT IN LIEU OF ACTUAL MOVING EXPENSES**

You as a displacee must complete and submit this claim within 18 months after the later of the following dates:  
(1) the date you complete your move, or (2) the date of acquisition by VDOT

Signature of Displacee(s) \_\_\_\_\_ Date: \_\_\_\_\_

Return to:  
VIRGINIA DEPARTMENT OF TRANSPORTATION

DISTRICT USE ONLY	
Property Inspected By:	_____
Name:	_____
Title:	_____
Date:	_____

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# EMERGENCY REGULATIONS

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## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

Title of Regulation: **8 VAC 20-700. Regulations for Conducting Division-Level Academic Reviews (adding 8 VAC 20-700-10 through 8 VAC 20-700-50).**

Statutory Authority: § 22.1-253.13:3 of the Code of Virginia.

Effective Dates: February 16, 2005 through February 15, 2006.

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 margaret.roberts@doe.virginia.gov.

Preamble:

*Chapter 965 of the 2004 Acts of Assembly gave the Board of Education the authority to require division-level academic reviews in school divisions where findings of school-level academic reviews show that the failure of the schools to reach full accreditation is related to the local school board's failure to meet its responsibilities under the Standards of Quality. Chapter 965 also requires, in part, that the Board of Education promulgate regulations to implement the provisions of the act to be effective within 280 days of its enactment; therefore, the present regulatory action promulgates the emergency regulations. The process for promulgating permanent regulations will be initiated concurrently with the promulgation of emergency regulations.*

*Emergency regulations are needed to ensure that the conducting of division-level academic reviews begins as close to the beginning of the 2004-2005 school year as practicable and to meet the 280-day timeline.*

*The purpose of the regulation is to outline the process and procedures for conducting the division-level academic review and submitting the corrective action plan to the Board of Education. It specifically addresses the criteria for selection for the division-level academic review, the structure of the division-level academic review, and the requirements for the division improvement plans and corrective actions. In addition, it includes provision for reviews to be conducted by agencies or organizations other than the Department of Education when appropriate.*

#### CHAPTER 700.

#### REGULATIONS FOR CONDUCTING DIVISION-LEVEL ACADEMIC REVIEWS.

#### **8 VAC 20-700-10. Definitions.**

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

*"Board" means the Virginia Board of Education.*

*"Department" means the Virginia Department of Education.*

*"Division-level academic review" means the process used to analyze a school division's systems and practices to determine the degree to which the local school board is meeting its responsibilities under the Standards of Quality.*

*"External review" means a school division-level academic review conducted by an organization or agency at the request of a local school board.*

#### **8 VAC 20-700-20. Criteria for Selection for Review.**

*The Board of Education shall consider the following criteria in selecting school divisions for division-level academic reviews:*

- 1. The school division's accountability determination (improvement status) for student achievement, as required in federal law.*
- 2. The percentage of students attending schools accredited with warning in the division exceeds the statewide average.*
- 3. School academic review findings in the division report the failure of the division's schools to reach full accreditation is related to the school board's noncompliance with the Standards of Quality.*

#### **8 VAC 20-700-30. Structure of the Review.**

*A. All division-level academic reviews shall be conducted in accordance with procedures adopted by the board. These procedures include the following:*

- 1. Initial visits, on-site reviews, and any follow-up visits that may be necessary shall be made by an academic review team.*
- 2. Academic review teams shall hold introductory meetings with local school boards, conduct interviews, review documents, and observe operational practices.*
- 3. Teams shall collect and analyze data related to compliance with the Standards of Quality, related board regulations, and federal program requirements, and use these data to prepare reports to the board.*
- 4. Reports of academic review findings shall be given to the division superintendent, chair of the local school board and to the Board of Education.*

*B. The board may authorize the Department of Education to contract for the provision of services to assist in performing division-level academic reviews.*

#### **8 VAC 20-700-40. Division Improvement Plans and Corrective Actions.**

*A. School divisions shall develop division improvement plans, including corrective actions for increasing student achievement and correcting any areas of noncompliance determined through the division-level academic review. These plans shall be approved by the local school board and submitted to the Board of Education for approval within 60 business days of the issuance of the division-level academic review report. Upon board approval, the division improvement plan and corrective actions shall become part of the division's plan required in the Standards of Quality.*

*B. The division superintendent and chair of the local school board may request an extension of the due date for the division improvement plan and corrective actions for good cause shown by appearing before the Board of Education to explain the rationale for the request and provide evidence that a delay will not have an adverse impact upon student achievement.*

*C. The Board of Education shall monitor the implementation of the division improvement plan and corrective actions developed by a school division as part of the division-level academic review process. This plan must include a schedule for reporting the school division's progress toward completion of the corrective actions to the board. Any school division not implementing corrective actions, not correcting areas of noncompliance, or failing to develop, submit, and implement required plans and status reports shall be required to report its lack of action directly to the Board of Education.*

*D. Areas of noncompliance that remain uncorrected shall be reported in the Board of Education's Annual Report to the Governor and General Assembly on the Condition and Needs of Public Schools in Virginia. The board may take additional action as permitted by the Standards of Quality.*

*8 VAC 20-700-50. External Reviews.*

*A. The board may accept a school division-level review conducted by an organization or agency upon the request of a local school board if the review meets or exceeds the requirements for reviews conducted by the department as prescribed in 8 VAC 20-700-30. Agencies that conduct these reviews must employ individuals whose qualifications meet or exceed those of individuals who serve as department representatives for the purpose of conducting academic reviews. The board shall monitor the implementation of any required corrective actions developed by the school division as prescribed in 8 VAC 20-700-40.*

*B. Requests for approval of an external review process submitted to the board must include, at a minimum, the following documentation:*

- 1. A description of the organization or agency that will conduct the review;*
- 2. The scope and dates of the review;*
- 3. Qualifications of the individuals who will conduct the review;*
- 4. Certification from the chairman of the local school board and division superintendent that the review will meet or exceed the requirements for academic reviews adopted by the board.*

*C. Upon completion of the external review process, the division superintendent shall submit a copy of the final report provided by the reviewer to the Department of Education, and comply with the required follow-up activities in accordance with 8 VAC 20-700-40.*

/s/ Mark R. Warner

Governor

Date: February 10, 2005

VA.R. Doc. No. R05-136; Filed February 16, 2005, 11:19 a.m.

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# FORMS

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## TITLE 9. ENVIRONMENT

**EDITOR'S NOTICE:** The following revised form has been filed by the Virginia Waste Management Board. The form is available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia. Copies of the form may be obtained from Michael J. Dieter, Regulations and Program Consultant, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219, P.O. Box 10009, Richmond, Virginia, 23219, telephone (804) 698-4146 or e-mail [mjdieter@deq.virginia.gov](mailto:mjdieter@deq.virginia.gov).

Title of Regulation: **9 VAC 20-130. Regulations for the Development of Solid Waste Management Plans.**

### FORMS

Solid Waste Information and Assessment Program - Reporting Table, DEQ Form 50-25 (rev. ~~6/00~~ 2/05).

Locality Recycling Rate Report, DEQ Form 50-30 (rev. 1/03).

## VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: **9 VAC 20-80. Solid Waste Management Regulations.**

### FORMS

Open Dump Evaluation Criteria Part I-Flood Plains, DWM Form SW-4-1.

Open Dump Evaluation Criteria Part II-Surface Water, DWM Form SW-4-2.

Open Dump Evaluation Criteria Part III-Groundwater, DWM Form SW-4-3.

Open Dump Evaluation Criteria Part IV-Disease Vectors, DWM Form SW-4-4.

Open Dump Evaluation Criteria Part V-Open Burning, DWM Form SW-4-5.

Open Dump Evaluation Criteria Part VI-Safety: Landfill Gas, DWM Form SW-4-6.

Open Dump Evaluation Criteria Part VII-Safety: Fires, DWM Form SW-4-7.

Open Dump Evaluation Criteria Part VIII-Safety: Bird Hazard, DWM Form SW-4-8.

Solid Waste Management Facility Permit Applicant's Disclosure Form, DWM Form DISC-01.

Solid Waste Management Facility Permit Applicant's Disclosure Form-Key Personnel, DWM Form DISC-02.

Request for Local Government Certification, DWM Form SW-11-1.

Part A Permit Application, DWM Form SW-7-3.

Solid Waste Information and Assessment Program-Reporting Table, DEQ Form 50-25 (rev. ~~6/00~~ 2/05).

**SOLID WASTE INFORMATION AND ASSESSMENT PROGRAM REPORTING TABLE – FORM DEQ 50-25**

1	Facility Name		
2	Permit Number	3	Date Submitted to DEQ
5	Preparer's Name	4 Annual Reporting Period	
7	Preparer's e-mail Address	6 Preparer's Telephone Number	
8	An e-mail address will only be used to contact you in case of questions about this form submission		
8	Has there been a change to the Annual Fee Billing Contact, Address or Telephone Number?	Y	N
9	Remaining Permitted Capacity	If a facility's permitted capacity is reported in tons, please note this on the form. DEQ will apply conversion factors based on the type of waste in order to calculate the volume and the number of years of permitted capacity available in the state.	
10	Expected Remaining Permitted Life	cubic yards	years

11	Originating Jurisdiction (NOTE: Report each jurisdiction on a separate page)											
		Waste Management – Report Amount by Weight or Volume (Reporting units must be consistent for all fields of a particular waste type.)										
Waste Type	Units (check one) Tons Cu Yds	Total Amount of Waste Received (a)	Recycled On-Site (b)	Composted On-Site (c)	Landfilled On-Site (d)	Incinerated On-Site (e)	Sent Off-Site to be:			Other Than Mulched (h)		
							Recycled	Treated, Stored, Disposed (f)	Stored On-Site: Beginning of Reporting Period (g)		End of Reporting Period	Mulched
12	Municipal Solid Waste											
13	Construction/ Demolition/Debris											
14	Industrial Waste											
15	Regulated Medical Waste											
16	Vegetative/Yard Waste											
17	Incineration Ash											
18	Sludge											
19	Tires											
20	White Goods											
21	Friable Asbestos											
22	Petroleum Contaminated Soil											
23	Other Wastes (specify)											
24	Total											

See the instructions for Completing Form DEQ 50-25 for definition of each of the above terms. For electronic submissions, go to the following link: <http://www.deq.virginia.gov/waste/wasteinf.html>.  
Revised 02/01/05  
Note: At the option of the facility owner, information can be provided concerning the facility's economic benefits to the locality where it is located.

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# Forms

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## Instructions for Completing Form DEQ 50-25

### Solid Waste Information and Assessment (SWIA) Program Reporting Form

These instructions are designed to assist facilities with completing the required reporting form DEQ Form 50-25. A copy of each form submitted, including those submitted electronically, should be maintained in your facility files. The items are numbered to correspond to the numbered fields on Form DEQ 50-25.

#### Electronic Submissions

The on-line SWIA data entry form follows the same format and numbering system as the standard version of the form. After completing the on-line form click "save report". The report will automatically be e-mailed to the appropriate Department of Environmental Quality (DEQ) regional staff for review. If there are any questions concerning the data provided, staff will contact the preparer of the SWIA data form.

#### 1. Facility Name

Enter the name of the facility as it appears on the permit issued by the department.

#### 2. Permit Number

- Enter the permit number assigned to the facility by DEQ.
- Use a separate form(s) for each permit. For multiple permitted facilities, individual forms must be completed for each permitted facility.
- If a facility is being operated under permit-by-rule status, the letters PBR must precede the numbers (Example: PBR999).
- For other solid waste permits, the letters SWP (Example: SWP999) or for emergency permits, the letters EMG (Example: EMG999) should precede the numbers.

#### 3. Date submitted to DEQ

- Enter the date the facility sent the reporting form(s) to DEQ or submitted the on-line SWIA data entry form.
- All forms must be completed and sent by March 31 of each year for the waste managed during the preceding calendar year. This is referred to as the "reporting period".

#### 4. Annual Reporting Period

Enter the calendar year (reporting period) for which the data is being submitted (Example: 01/01/2004 through 12/31/2004).

#### 5. through 7. Preparer's Name, Telephone Number and E-Mail Address

This is the name, telephone number, and e-mail of the person responsible for preparing the DEQ Form 50-25. Your e-mail address will only be used if questions arise regarding the information provided on the form.

#### 8. Billing Information Change

If there has been any change to the Annual Fee Billing Contact, Address, or Telephone Number that appeared on the fee bill received from the department the previous year, check the box and inform the Regional Office of the change. Forms will be developed to update billing contact information.

#### 9. Remaining Permitted Capacity

- Only required for landfills, all other facilities enter "N/A".
- Remaining Permitted Capacity means the space remaining in the landfill that is available for disposal as of December 31 of the reporting period.
- Remaining Permitted Capacity Calculation:

Remaining Permitted Capacity = [Volume specified in Part B Permit] – [Landfill volume already used]



- Report the capacity in cubic yards. If this information is reported in tons, DEQ will use simple conversion factors to obtain the capacity in cubic yards.
- Future proposed expansions not included in the approved Part B permit area may not be included in the capacity calculation. This information can also be obtained from the calculations performed to comply with air requirements found in 40 CFR Subpart WWW (40 CFR 60.750-60.759).

#### 10. Expected Remaining Permitted Life

Only required for landfills, all other facilities enter "N/A". Report the number of years of disposal capacity that is available based on the facility's site specific operating criteria.

**Waste Information** - This section reports the origin, types, and amounts of waste managed. Information must be provided concerning the originating jurisdiction of waste received. Amounts of waste can be entered in either tons or cubic yards as determined by the facility. For amounts reported in cubic yards, DEQ will use simple conversion factors to obtain estimated weights.

#### 11. Originating Jurisdiction (i.e. state, territory or country)

- Enter the jurisdiction from which the waste originated.
- For waste received from within Virginia (including waste from a Virginia transfer station), only one form must be completed.
- For waste received from outside Virginia, a separate form must be completed for each jurisdiction from which waste was received. A jurisdiction is either a state, territory, or country. (Example: If you receive waste from the state of New York, and/or New York City, the jurisdiction is "New York." Wastes received from Washington, D.C. and Puerto Rico, are all individual jurisdictions.)

**\*\*Waste Types-** Definitions found below are provided to assist facilities with completing Form DEQ 50-25. Specific definitions can be found in the Virginia Solid Waste Management Regulations (9 VAC 20-80-10, et seq.) and the Regulated Medical Waste Regulations (9 VAC 20-120-10 et seq.). Waste types are identified on separate rows of Form DEQ 50-25.

**12. Municipal Solid Waste** means that waste which is normally composed of residential, commercial, and institutional solid waste and residues/ash derived from combustion/incineration of these wastes. *NOTE:* Paper and cardboard should be recorded in the row labeled "Municipal Solid Waste". Incinerated MSW must be reported as incinerator ash.

**13. Construction/Demolition/Debris** means construction waste, demolition waste, and debris waste. These wastes must be recorded cumulatively in this row.

- **Construction waste** means solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid compressed gases or semi-liquids and garbage are not construction wastes.
- **Demolition waste** means that solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction wastes.
- **Debris waste** means wastes resulting from land clearing operations. Debris wastes include, but are not limited to stumps, wood, brush, leaves, soil, and road spoils. *NOTE:* Concrete and asphalt should be recorded in the row labeled "Construction/Demolition/Debris".

**14. Industrial Waste** means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay,

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## Forms

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and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas wastes.

**15. Regulated Medical Waste** means solid wastes so defined by the Regulated Medical Waste Management Regulations (9 VAC 20-120-10 et seq.) as promulgated by the Virginia Waste Management Board. Note: Regulated medical waste may not be disposed in a landfill.

**16. Vegetative/Yard Waste** means vegetative waste and yard waste. These wastes must be recorded cumulatively in this row.

- **Vegetative waste** means decomposable materials generated by yard and lawn care or land clearing activities and includes, but is not limited to, leaves, grass trimmings, woody wastes such as shrub and tree prunings, bark, limbs, roots, and stumps. For more detail see 9 VAC 20-101-10, et seq.
- **Yard waste** means that fraction of municipal solid waste that consists of grass clippings, leaves, brush, and tree prunings arising from general landscape maintenance.
- NOTE: Brush should be recorded in the row labeled Vegetative/Yard Waste category.

**17. Incineration Ash** means fly ash or bottom ash residual waste material produced from incineration or burning of solid waste.

**18. Sludge** means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of treated effluent from a wastewater treatment plant. For the purposes of this form, the waste type "Sludge" excludes sludge land applied in accordance with Va. Code § 32.1-164.

**19. Tires** means a tire that has been discarded because it is no longer suitable for its original intended purpose because of wear, damage, or defect. (See 9 VAC 20-150- et seq. for other definitions dealing with the waste tire program.)

**20. White Goods** means any stoves, washers, hot water heaters, and other large appliances.

**21. Friable Asbestos** means any waste material containing more than 1% asbestos as determined using the polarized light microscopy methods specified in 40 CFR Part 763, Subpart F, Appendix A, Section 1, that, when dry, is capable of being crumbled, pulverized or reduced to powder by hand pressure.

**22. Petroleum Contaminated Soil** means a soil that, as a result of a release or human usage, has absorbed or adsorbed only petroleum or petroleum by-products at concentrations above those consistent with nearby undisturbed soil or natural earth materials. Petroleum and petroleum by-products include, but are limited to diesel fuels, kerosene, gasoline, hydraulic fluids, jet engine fuel, and motor oil.

**23. Other Waste (specify)** means any wastes that do not meet the previously defined waste types. A brief description of the waste must be provided in the field "Other Waste (specify)". Examples: Dirt and Soil, Inert waste, Rubber, Wood chips, Supplemental waste, etc. The on-line form allows for the entry of multiple "other wastes". For the purpose of the standard form, please total all other wastes and provide that number on this line of the form.

**24. Total** means the total of the waste reported in that column of the table (Example: the total waste received, landfilled, incinerated etc.).

**\*\*Waste Management-** Different types of facilities manage waste in different ways. The reporting table contains rows to identify the types of wastes managed (see above). Columns are used to identify how the waste types were managed. In most cases, the amount of waste received should equal the sum of the amounts managed by the listed methods (recycled, composted, landfilled, incinerated, sent off-site, etc.), except for waste stored on-site at the beginning of the reporting period. The following identifies the proper way to report how wastes were managed at your facility.

### a) Total Amount of Waste Received

All waste that was received by the facility during the Annual Reporting Period must be reported in this column.

**b) Recycled On-Site**

Waste material that was removed from the incoming waste stream and processed into a raw material for a product must be reported on this column. Only consider items that are truly recycled, not reused. Recycled means “the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. Recycling shall not include processes that only involve size reduction.” NOTE: Only report material that was both separated *AND* processed into a raw material at the facility. If the waste material was not separated *AND* processed, it may not be recorded as “recycled”. (Example: Newspaper segregated from the waste stream and sent off-site to a processing facility for recycling should not be counted as recycled by the reporting facility.) Other amounts may have been sent off-site for recycling or mulched, which are reported in different columns.

**c) Composted On-Site**

Waste that was stabilized on-site through a controlled aerobic decomposition process must be reported in this column. Not all waste types can be composted. Regulated medical waste, incineration ash, tires, white goods, asbestos, and petroleum-contaminated soil cannot be managed through composting. For compost facilities, only the volume that could not be composted and was sent off-site for disposal should be recorded as “sent off-site”. Composted material is considered a product, not a waste, and does not have to be reported on this form.

**d) Landfilled On-Site**

Waste that was landfilled on-site must be reported in this column. Waste received at a facility that was later sent off-site for management through landfilling must not be reported in this column. Instead it must be reported in the “sent off-site to be: treated/stored/disposed” column. Example: Waste received at a transfer station that was later sent off-site to a landfill must be reported as “sent off-site to be: treated/stored/disposed”. Regulated medical waste cannot be landfilled.

**e) Incinerated On-Site**

Waste that was incinerated on-site must be reported in this column. Waste received at the facility that was later sent off-site for incineration may not be reported in this column. Instead it must be reported in the “sent off-site to be: treated/stored/disposed” column. Example: Waste received at a transfer station that was sent off-site to an incinerator must be reported as “sent off-site to be: treated, stored, or disposed,” not incinerated. NOTE: “Open Burning” is not the same as “Incineration”. Waste that is open burned would be included in the “Other (other than mulched)” column.

**f) Sent Off-Site to be:**

Waste that was not treated, stored, or disposed of at the receiving facility but was instead sent off-site to another facility for management must be reported in this column. Example: Ash generated from an incinerator process sent off-site to be disposed must be listed in this column. The “sent off-site to be” column is divided into two sub-columns, “recycled” and “treated/stored/disposed”. If waste is sent off-site for recycling (i.e., metals to be reclaimed or tires for shredding and use as fill), it would be reported in the “recycled” sub-column. If waste is sent off-site to be treated/stored/disposed it would be reported in the “treated/stored/disposed” sub-column. If waste is sent off-site for other than recycling, or treatment/storage/disposal, then the “other” sub-column would be used.

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## Forms

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### **g) Stored On-Site**

This column is also divided into two sub-columns: “beginning of reporting period” and “end of reporting period”. Waste that was stored on-site as of January 1<sup>st</sup> of the reporting period is reported in the first sub-column. If no information is available please refer to the last year’s Solid Waste Information Assessment form for this information. Waste that was remaining on-site at the end of the reporting period must be recorded in the second sub-column. This does not include wastes that will remain on-site permanently, but includes wastes that are stored temporarily at the facility (i.e., white goods awaiting pickup by off-site metal recycler; regulated medical waste in storage awaiting treatment). The total amount of waste landfilled at a facility must not be listed in this column, instead it must be listed in the “landfilled” column.

### **h) Other Management**

Wastes managed by methods other than those specified in the previous columns must be recorded in this column. A separate sub-column has been added for woody waste that has been mulched. Otherwise, this column must include a description of how the waste type was managed along with the amount of waste managed.

**Note:** At the option of the facility owner, the Code of Virginia allows for the submission of an accounting of the facility’s economic benefits to the locality where the facility is located including the value of disposal and recycling facilities provided at no cost or reduced cost, direct employment associated with the facility, and other economic benefits from the facility during the reporting period.

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER 84 (2005)

### **CONTINUING THE OLMSTEAD INITIATIVE**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-103, 2.2-134, and 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Olmstead Initiative, which was established through Executive Order 61 (2004).

The Community Integration Oversight Advisory Committee is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134, 2.2-135 and 2.2-2100 of the Code of Virginia. Its specific duties and responsibilities remain as stated in Executive Order 61 (2004), with the funding sources and amounts of staff and financial support originally estimated, subject to additional duties and responsibilities as noted herein.

The Community Integration Implementation Team's specific duties and responsibilities remain as stated in Executive Order 61 (2004), with the funding sources and amounts of staff and financial support originally estimated, subject to additional duties and responsibilities as noted herein.

The Director of Community Integration for People With Disabilities' specific duties and responsibilities remain as stated in Executive Order 61 (2004), with the funding sources originally estimated, subject to additional duties and responsibilities as noted herein.

The Committee and the Team shall collaborate and, using a strategic planning process, shall update and prioritize the recommendations in the Task Force Report. The reports submitted by the Implementation Team to the Oversight Advisory Committee and the Oversight Advisory Committee to the Governor shall include recommendations for:

- Increasing membership of people with disabilities, family members, and surrogate decision-makers on state and local boards and commissions.
- Establishing and maintaining a waiting list of residents, by disability, who are appropriate for discharge, who want to be discharged, from nursing facilities and assisted living facilities.
- Assuring an appropriate statewide system for reporting of allegations of abuse, neglect, serious injuries and deaths by providers of community services and supports to people with disabilities.
- Developing a statewide system of consistent rights notification that includes a means by which the quality of information given to such individuals, and the consistency with which information is given, are tracked.
- Monitoring the quality and coordination of services provided to persons with disabilities, including a process by which complaints relating to the denial, quality and coordination of services provided to persons with

disabilities may be made by or on behalf of individuals with disabilities and resolved.

- Developing a coordinated reporting system across agencies to monitor the effectiveness of efforts to improve the quality and coordination of services provided to persons with disabilities consistent with the Americans with Disabilities Act and recommendations in the Task Force Report, including a system to measure and evaluate the performance of the Commonwealth.

The Director shall serve as a resource upon request of any agency to assist in developing and implementing agency policies and regulatory changes required. The Director shall report annually to the Governor regarding the status of efforts to improve the quality and coordination of services and supports received by individuals with disabilities.

This executive order shall be effective January 14, 2005, and shall remain in full force and effect until January 14, 2006, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January 2005.

/s/ Mark R. Warner  
Governor

## EXECUTIVE ORDER NUMBER 85 (2005)

### **CONTINUING THE COMMISSION ON HIGHER EDUCATION BOARD APPOINTMENTS**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-103, 2.2-134, and 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Commission on Higher Education Board Appointments, which was established through Executive Order 63 (2004).

This commission is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134 and 2.2-2100 of the Code of Virginia. Its specific duties and responsibilities remain as stated in Executive Order 63 (2004), with the funding sources and amounts of staff and financial support originally estimated.

This executive order shall be effective immediately upon its signing and shall remain in full force and effect until January 21, 2006, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 21st day of January 2005.

/s/ Mark R. Warner  
Governor

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### **Total Maximum Daily Load (TMDL) for Lynnhaven Bay, Broad Bay and Linkhorn Bay**

The Department of Environmental Quality (DEQ), the Department of Conservation and Recreation (DCR), the Hampton Roads Planning District Commission, and the City of Virginia Beach seek written and oral comments from interested persons on the development of an Implementation Plan to begin to achieve the Total Maximum Daily Load (TMDL) established for fecal coliform bacteria in Lynnhaven Bay, Broad Bay and Linkhorn Bay in Virginia Beach, Virginia.

The Final Bacteria TMDL report which establishes the loading limits for the Lynnhaven, Broad and Linkhorn Bays is available on DEQ's website at <http://www.deq.virginia.gov>. These waters are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the State's water quality standard for fecal coliform bacteria in shellfish waters.

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 Code of Virginia further requires DEQ to prepare implementation plans for the TMDL and take measures to implement those plans.

The first public meeting on the development of the Lynnhaven, Broad and Linkhorn Bay TMDL Implementation Plan will be held on Thursday March 10, 2005, at 7 p.m. at the Advanced Technology Center, 1800 College Crescent, Virginia Beach, Virginia. The Initial Public Meeting to solicit public input to the preparation of the Implementation Plan for the Shellfish Bacteria TMDL for the greater Lynnhaven River Watershed in Virginia Beach.

The public comment period will begin on Friday, March 11, 2005, and end on April 4, 2005. Questions or information requests should be addressed to Chester Bigelow and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or e-mail [cbigelow@deq.virginia.gov](mailto:cbigelow@deq.virginia.gov) or John M. Carlock, Hampton Roads Planning District Commission, 723 Woodlake Drive, Chesapeake, VA 23320, telephone (757)420-8300, FAX (757)523-4881, email [jcarlock@hrpdc.org](mailto:jcarlock@hrpdc.org).

### **Total Maximum Daily Load (TMDL) for Roanoke River**

The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for the Roanoke River. The Roanoke River was identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters due to elevated levels of polychlorinated biphenyl (PCB) in

fish tissue. The Virginia Department of Health (VDH) issued fish consumption advisories based on elevated PCB levels in fish tissue. Therefore, the river is not supporting the Fish Consumption Designated Use. The impairment and advisory includes 28 miles of the Roanoke River, 2.5 miles of Peter's Creek, 6.5 miles of Tinker Creek, and all of Smith Mountain Lake. These impairments are located in Montgomery County, Roanoke County, Salem City, Roanoke City, Bedford County, Pittsylvania County, and Franklin County.

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

The first Technical Advisory Committee (TAC) meeting for the Roanoke River Basin PCB TMDL will be held on Monday, March 21, 2005, 3 p.m. in the conference room of the VDEQ West Central Regional Office located at 3019 Peters Creek Road in Roanoke, Virginia.

The first public meeting on the development of the Roanoke River Basin PCB TMDL will be held on Monday, March 21, 2005, 7 p.m. in the conference room of the VDEQ West Central Regional Office located at 3019 Peters Creek Road in Roanoke, Virginia.

The public comment period for this phase of the TMDL development will end on April 21, 2005. A fact sheet on the development of the Roanoke River PCB TMDL is available upon request or can be viewed at the DEQ website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason R. Hill, Virginia Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, or e-mail [jrhil@deq.virginia.gov](mailto:jrhil@deq.virginia.gov).

### **Total Maximum Daily Load (TMDL) for Roanoke (Staunton) River**

The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for the Roanoke (Staunton) River. The Roanoke River was identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters due to elevated levels of polychlorinated biphenyls (PCB) in fish tissue. The Virginia Department of Health (VDH) issued fish consumption advisories based on elevated PCB levels in fish tissue; therefore the river is not supporting the Fish Consumption Designated Use. The impairment and advisory include 88.39 miles of the Roanoke River, which is located in Pittsylvania, Campbell, Halifax, and Charlotte Counties.

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

The first Technical Advisory Committee (TAC) meeting for the Roanoke River PCB TMDL will be held on Tuesday, March 22 at 1:30 p.m. in the meeting room of the Patrick Henry Memorial Library located at 204 Lynchburg Avenue in Brookneal, Virginia.

The first public meeting on the development of the Roanoke River PCB TMDL will be held on Tuesday, March 22, 2005, 7 p.m. in the gymnasium of the Brookneal Elementary School, located at 1330 Charlotte Street in Brookneal, Virginia.

The public comment period for this phase of the TMDL development will end on April 21, 2005. A fact sheet on the development of the Roanoke River PCB TMDL is available upon request or can be viewed at the DEQ TMDL website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Kelly Wills. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Virginia Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120 ext. 6042, FAX (434) 582-5125, or e-mail [kjwills@deq.virginia.gov](mailto:kjwills@deq.virginia.gov).

### **Total Maximum Daily Load (TMDL) Study for Straight Creek and Tributaries; Stone Creek, Ely Creek, Puckett Creek, Lick Branch, Baileys Trace and Gin Creek in Lee County**

The Virginia Department of Environmental Quality (DEQ), the Department of Mines Minerals and Energy (DMME) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the draft Total Maximum Daily Load (TMDL) Study for Straight Creek and tributaries; Stone Creek, Ely Creek, Puckett Creek, Lick Branch, Baileys Trace and Gin Creek in Lee County. These streams were identified on the 1998 303(d) Total Maximum Daily Load Priority List and Report as impaired due to violations of the State's water quality standards for the General Standard (benthic) and Bacteria.

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

Straight Creek and its tributary streams are located in Lee County northwest of Pennington Gap, Virginia. The impairments include about 38 miles of streams in the Straight Creek watershed. Straight Creek flows through St. Charles. The entire length of Straight Creek from its headwaters to confluence with North Fork Powell River is included. Stone Creek follows Route 421 west towards the Kentucky/Virginia state line. The draft TMDL study identifies sediment and conductivity/total dissolved solids as the stressors for aquatic life problems. The draft study proposes reductions in sedimentation, conductivity/total dissolved solids and bacteria so that the stream can meet the water quality standards.

The public comment period for the draft report has been extended to April 13, 2005. The draft study can be viewed or downloaded and printed from the DEQ website: <http://www.deq.virginia.gov/tmdl/homepage.html>. Address

questions or information requests 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.virginia.gov](mailto:ntnorton@deq.virginia.gov).

## **STATE LOTTERY DEPARTMENT**

### **Director's Orders**

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on February 9, 2005, February 11, 2005 and February 16, 2005. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number One (05)

Virginia's Instant Game Lottery 620; "Blackjack Tripler" (effective 2/3/05)

Director's Order Number Two (05)

Virginia's Instant Game Lottery 277; "Straight 8's" (effective 2/4/05)

Director's Order Number Three (05)

Virginia's Instant Game Lottery 326; "Double Bonus Bingo" (effective 2/7/05)

Director's Order Number Four (05)

Virginia's Instant Game Lottery 640; "Lucky Times 10" (effective 2/4/05)

Director's Order Number Five (05)

Virginia's Instant Game Lottery 638; "Weekly Grand" (effective 2/11/05)

Director's Order Number Seven (05)

Virginia's Instant Game Lottery 654; "World Series of Poker \$100,000 Texas Hold'em" (effective 2/3/05)

Director's Order Number Eight (05)

Virginia's Instant Game Lottery 648; "Fast Cash Cashword" (effective 2/3/05)

Director's Order Number Nine (05)

Virginia's Instant Game Lottery 655; "Jackpot Gold" (effective 2/7/05)

End of Games:

Director's Order Number Six (05)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on January 31, 2005:

Game 263	Double'em Up
Game 323	Bingo Night
Game 324	EZ Bingo

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## General Notices/Errata

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Game 506	Fat Cat Cash
Game 552	Double Down Doubler
Game 565	Casino Royale
Game 578	Moolah Money
Game 587	Casino Action
Game 588	\$100 Grand Hand
Game 591	Cash Zone
Game 610	\$25,000 Cash Reward
Game 624	Gingerbread Dough
Game 625	Stocking Stuffer
Game 626	Candy Cane Cash

The last day for lottery retailers to return for credit unsold tickets from any of these games will be March 18, 2005. The last day to redeem winning tickets for any of these games will be July 30, 2005, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a postmark of the United States Postal Service or another sovereign nation of July 30, 2005, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of lottery games.

This order is available for inspection and copying during normal business hours at the Virginia Lottery headquarters, 900 East Main Street, Richmond, Virginia; and at any Virginia Lottery regional office. A copy may be requested by mail by writing to: Director's Office, Virginia Lottery, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle  
Executive Director  
Date: January 30, 2005

### STATE WATER CONTROL BOARD

#### Proposed Consent Special Order - Mays Grocery, Inc.

The State Water Control Board (Board) proposes to enter into a Consent Special Order (Order) with Mays Grocery, Inc. (Mays). The parties have agreed to the terms of an order for settlement of violations of State Water Control Law at Mays' Underground Storage Tank (UST) facilities located at 672 Longhollow Road, known as "Pinky's Place," and at 1036 Magnolia Avenue, known as "Mays' Country Store," both located in Buena Vista, Rockbridge County, Virginia.

Mays is the owner and operator of the UST facilities within the meaning of Va. Code § 62.1-44.34:8. Mays was issued Notices of Violation on March 24, 2004, citing Mays' failure to fully comply with Letters of Agreement (LOAs) entered into with the Department of Environmental Quality (DEQ), which were in turn previously executed to formally resolve several violations cited by DEQ inspectors at both the Pinky's Place and Mays' Country Store UST facilities. Most terms of the LOAs were complied with. The proposed Order cites

violations for Mays' failure to provide two consecutive months of passing leak detection results from Pinky's Place in violation of Virginia Administrative Code section 9 VAC 25-580-120, for failure to provide documentation that the metallic piping components associated with the USTs located at Mays' Country Store were adequately protected from corrosion in violation of 9 VAC 25-580-50 and 9 VAC 25-580-90, and for failure to have all compliance records available for inspection at both UST facilities. Both UST facilities are presently in compliance with UST regulations and requirements. The proposed order would assess a civil charge against Mays 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 Ricard J. Dunay, DEQ, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at DEQ's 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 [rjdunay@deq.virginia.gov](mailto:rjdunay@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.

### VIRGINIA CODE COMMISSION

#### Notice to State Agencies

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

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

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

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

#### FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01  
NOTICE of COMMENT PERIOD-RR02  
PROPOSED (Transmittal Sheet)-RR03  
FINAL (Transmittal Sheet)-RR04  
EMERGENCY (Transmittal Sheet)-RR05  
NOTICE of MEETING-RR06  
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS-RR08  
RESPONSE TO PETITION FOR RULEMAKING-RR13  
FAST-TRACK RULEMAKING ACTION-RR14



**ERRATA**

**STATE AIR POLLUTION CONTROL BOARD**

Titles of Regulations: **Consumer Products (Rev. G03).**

**9 VAC 5-20. General Provisions.**

**9 VAC 5-40. Existing Stationary Sources.**

Publication: 21:11 VA.R. 1360-1389 February 7, 2005.

Corrections to Final Regulation:

Page 1365, in 9 VAC 5-40-7260 C, definition of "ACP emissions," second column, following "1. For all products except for charcoal lighter material products:" strike "where"

Page 1376, in 9 VAC 5-40-7270, Table 4-50A, under "Deodorants: Aerosol" change "MVO" to "MVOC"

**STATE BOARD OF EDUCATION**

Title of Regulation: **8 VAC 20-210. Classifications of Expenditures.**

Publication: 21:4 VA.R. 413 November 1, 2004.

Correction to Final Regulation:

Page 413, in subdivision 5 of 8 VAC 20-210-10, change "nonoperations" to "noninstructional operations"

**STATE BOARD OF HEALTH**

Title of Regulations: **12 VAC 5-380. Regulations for the Licensure of Home Health Agencies (REPEAL).**

**12 VAC 5-381. Regulations for the Licensure of Home Care Organizations (adding 12 VAC 5-381-10 through 12 VAC 5-381-360).**

Publication: 21:12 VA.R 1455 February 21, 2005.

Correction to Table of Contents:

Page 1455, table of contents, column 1, Proposed Regulations, before "Regulations for the Licensure of Home Health Agencies (REPEAL) (12 VAC 5-380)," insert the following heading:

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Publication: 21:12 VA.R. 1494-1518 February 21, 2005.

Correction to Proposed Regulations section:

Page 1494, column 1, top of page, delete the row of asterisks and insert the following heading:

TITLE 12. HEALTH  
STATE BOARD OF HEALTH

**CHILD DAY-CARE COUNCIL**

Title of Regulation: **22 VAC 15-30. Standards for Licensed Child Day Centers.**

Publication: 21:12 VA.R. 1528-1556 February 21, 2005.

Corrections to Final Regulation:

Page 1536, in 22 VAC 15-30-200, insert "moving" and "five years" in subsection D to read as follows:

*D. Staff who drive a vehicle transporting children shall disclose any [ moving ] traffic violation that occurred [ five years ] prior to or during employment or assignment as a driver.*

Page 1549, in 22 VAC 15-30-575 A 4, line 1, strike "on"

**STATE WATER CONTROL BOARD**

Title of Regulation: **9 VAC 25-31. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation.**

Publication: 21:9 VA.R. 1073-1129 January 10, 2005.

Corrections to Final Regulation:

Page 1081, 9 VAC 25-31-10, definition of "storm water discharge associated with industrial activity," line 32, strike "11" and insert "10"; line 34, after "9 VAC 25-31-120 A 1," strike "e" and insert "c"

Page 1082, 9 VAC 25-31-10, category 1 of definition of "storm water discharge associated with industrial activity," line 5, strike "11" and insert "10"

Page 1109, 9 VAC 25-31-120 C 3, line 7, after "9 VAC 25-31-120," strike "C" and insert "B"

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# CALENDAR OF EVENTS

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## Symbol Key

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

### NOTICE

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

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

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF ACCOUNTANCY

**April 22, 2005 - 9 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Room 395, Richmond, Virginia.

**May 8, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Accountancy intends to amend regulations entitled **18 VAC 5-21, Board of Accountancy Regulations**. The purpose of the proposed action is to revise and clarify (i) qualifications for licensure including new language about the current computer based CPA exam and (ii) continuing professional education (CPE) requirements for initial applicants and regulants in ethics.

Statutory Authority: §§ 54.1-4402 and 54.1-4410 of the Code of Virginia.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174 or e-mail [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

**April 22, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Room 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 suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

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

### COMMONWEALTH COUNCIL ON AGING

**March 16, 2005 - 11 a.m.** -- Open Meeting  
Department for the Aging, 1610 Forest Avenue, Suite 100,  
Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Nominating Committee to prepare a slate of officers for the full council's vote at the May 19, 2005, council meeting. Public comments are welcome.

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

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

**March 17, 2005 - 9 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor,  
Boardroom, Richmond, Virginia.♿


A meeting to discuss issues related to Virginia agriculture and consumer services. The board may consider actions associated with the adoption as regulations of the Food and Drug Administration's Food Code, including any supplement thereto or portion thereof, and the repeal of 2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804)

786-3538, FAX (804) 371-2945, e-mail  
roy.seward@vdacs.virginia.gov.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


### Virginia Bright Flue-Cured Tobacco Board

**March 8, 2005 - 9:30 a.m.** -- Open Meeting  
Sheldon's Restaurant, Business Routes 15 and 360, Keysville, Virginia 

A meeting to (i) review and consider approval of minutes of the last meeting; review the financial statement and budget for FY05-06; and (iii) consider funding proposals for research, promotion, and education projects pertaining to the Virginia flue-cured tobacco industry. Other business that may come before the board will be considered, as well. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** D. Stanley Duffer, Board Secretary, Virginia Bright Flue-Cured Tobacco Board, P.O. Box 129, Halifax, VA 24558, telephone (434) 572-4568, FAX (434) 572-8234.


### Virginia Dark-Fired Tobacco Board

**† March 15, 2005 - 10 a.m.** -- Open Meeting  
Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia. 

A meeting to (i) review and consider approval of minutes of the last meeting; (ii) review the board's financial statement; (iii) approve the budget for FY 05-06; and (iv) consider funding proposals for research, promotion, and education projects pertaining to the Virginia dark-fired tobacco industry. Other business that may come before the board will be considered as well. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** D. Stanley Duffer, Secretary, Virginia Dark-Fired Tobacco Board, P.O. Box 129, Halifax, VA 24558, telephone (434) 572-4568, FAX (434) 572-8234, e-mail Stan.Duffer@vdacs.virginia.gov.

### Virginia Horse Industry Board


**† April 5, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, 2nd Floor Meeting Room, Charlottesville, Virginia. 

A meeting to (i) review the minutes of the last meeting; (ii) review the current budget; (iii) review ongoing and potential marketing projects; and (iv) review grant proposals submitted for FY 2005-2006. The board will entertain public

comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 786-3122, e-mail Andrea.Heid@vdacs.virginia.gov.


### Virginia Peanut Board

**† March 18, 2005 - 10:30 a.m.** -- Open Meeting  
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. 

A meeting to (i) review peanut research projects for possible funding for FY 2006; (ii) hear and approve the minutes of the last board meeting; and (iii) review the board's financial statement. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Thomas R. Cotton at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Thomas R. (Dell) Cotton, Jr., Program Director, Virginia Peanut Board, 101 Campbell Avenue, P.O. Box 59, Franklin, VA 23851-0059, telephone (757) 569-0249, FAX (757) 562-0744.

### Virginia Soybean Board

**March 10, 2005 - 8 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A meeting to (i) discuss checkoff revenues resulting from sales of the 2004 soybean crop and approve previous meeting minutes; (ii) hear project reports for FY 2004-2005 and project proposals for FY 2005-2006; and (iii) make funding decisions for the fiscal year beginning July 1, 2005. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail Phil.Hickman@vdacs.virginia.gov.

### STATE AIR POLLUTION CONTROL BOARD

**March 7, 2005 - 7:30 p.m.** -- Public Hearing  
Henry County Administrative Building, 3300 Kings Mountain Road, Martinsville, Virginia. 

A public hearing to receive comments on a State Operating Permit application from Oak Level Finishing and Repair,

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## Calendar of Events

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Inc., for their facility located at 451 Beaver Creek Drive, Martinsville. The source is seeking a State Operating Permit governing its air emissions from a facility to finish and repair assorted wood products. An information briefing will be held at 7 p.m.

**Contact:** Lillian Alexander, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6783, e-mail [ljalexander@deq.virginia.gov](mailto:ljalexander@deq.virginia.gov).


### ALCOHOLIC BEVERAGE CONTROL BOARD

† **March 14, 2005 - 9 a.m.** -- Open Meeting  
† **March 28, 2005 - 9 a.m.** -- Open Meeting  
† **April 11, 2005 - 9 a.m.** -- Open Meeting  
† **April 25, 2005 - 9 a.m.** -- Open Meeting  
† **May 9, 2005 - 9 a.m.** -- Open Meeting  
† **May 23, 2005 - 9 a.m.** -- Open Meeting  
† **June 6, 2005 - 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](mailto:wccolen@abc.state.va.us).


### ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**March 22, 2005 - 10 a.m.** -- Open Meeting  
† **June 7, 2005 - 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, Department for the Aging, 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](mailto:janet.honeycutt@vda.virginia.gov).

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


**March 17, 2005 - 9 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 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](mailto:APELSCIDLA@dpor.virginia.gov).


### ART AND ARCHITECTURAL REVIEW BOARD

**April 1, 2005 - 10 a.m.** -- Open Meeting  
**May 6, 2005 - 10 a.m.** -- Open Meeting  
† **June 3, 2005 - 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 Center at [www.dgs.state.va.us](http://www.dgs.state.va.us). Request form #DGS-30-905 or submittal instructions #DGS-30-906. The deadline for submitting project datasheets and other required information is two weeks prior to the meeting date.

**Contact:** Richard L. Ford, AIA Chairman, Art and Architectural Review Board, 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](mailto:rford@comarchs.com).


### VIRGINIA COMMISSION FOR THE ARTS

**March 31, 2005 - 9 a.m.** -- Open Meeting  
Location to be determined. 


A quarterly meeting.


**Contact:** Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail [peggy.baggett@arts.virginia.gov](mailto:peggy.baggett@arts.virginia.gov).

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS


**March 16, 2005 - 9 a.m.** -- CANCELED  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

The informal fact-finding conference has been canceled.


**Contact:** David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [asbestos@dpor.virginia.gov](mailto:asbestos@dpor.virginia.gov).

**May 18, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.

**Contact:** David E. Dick, Executive Director, 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.


## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**May 19, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 3, Richmond, Virginia. 


A meeting to discuss issues and matters related to board business.

**Contact:** Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.


## BOARD FOR BARBERS AND COSMETOLOGY

**April 4, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Conference Room 4W,  
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 Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barbercosmo@dpor.virginia.gov.

## BOARD FOR THE BLIND AND VISION IMPAIRED


**April 12, 2005 - 1 p.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A quarterly meeting to receive information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised before the board.


**Contact:** Katherine C. Proffitt, Administrative Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail kathy.proffitt@dbvi.virginia.gov.

## DEPARTMENT FOR THE BLIND AND VISION IMPAIRED


### Vocational Rehabilitation Council for the Blind

**March 12, 2005 - 10 a.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A quarterly meeting to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

**Contact:** Susan D. Payne, Vocational Rehabilitation Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail susan.payne@dbvi.virginia.gov.


## CEMETERY BOARD

**† March 10, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. 

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, 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.

## CHARITABLE GAMING BOARD

**† June 7, 2005 - 10 a.m.** -- Open Meeting  
Science Museum of Virginia, 2500 West Broad Street,  
Discovery Room, Richmond, Virginia. 

A regular quarterly meeting.

**Contact:** Clyde E. Cristman, Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, e-mail clyde.cristman@dpg.virginia.gov.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**† March 21, 2005 - 10 a.m.** -- Open Meeting  
Location to be determined, Richmond, Virginia.

A regular business meeting to review local programs.

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# Calendar of Events

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**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 CHILD FATALITY REVIEW TEAM

**March 11, 2005 - 10 a.m.** -- Open Meeting


**May 13, 2005 - 10 a.m.** -- Open Meeting  
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 

The business portion of the meeting is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.


**Contact:** Angela Myrick, Coordinator, Department of Health, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail Angela.Myrick@vdh.virginia.gov.

## STATE BOARD FOR COMMUNITY COLLEGES


**March 16, 2005 - 1:30 p.m.** -- Open Meeting

Germanna Community College, Fredericksburg Campus, 10000 Germanna Point Drive, Fredericksburg, Virginia.   
(Interpreter for the deaf provided upon request)


**May 18, 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 Committee, Student Affairs and Workforce Development Committee, and Budget and Finance Committee begins at 1:30 p.m. The Facilities Committee and the Audit Committee will meet at 3 p.m. The Personnel Committee will meet at 3:30 p.m. The Executive Committee will meet at 5 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 

**March 17, 2005 - 8:30 a.m.** -- Open Meeting


Germanna Community College, Fredericksburg Campus, 10000 Germanna Point Drive, Fredericksburg, Virginia.   
(Interpreter for the deaf provided upon request)

A regular meeting. The meeting will begin with a tour of the Fredericksburg Campus of Germanna Community College campus at 8:30 a.m. followed by the business meeting at 9:15 a.m. Public comment may be received at the beginning of the meeting upon written notification at at least five working days prior to the meeting date.

**May 19, 2005 - 8:30 a.m.** -- Open Meeting

James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

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

**March 23, 2005 - 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.

## DEPARTMENT OF CONSERVATION AND RECREATION

### Virginia Cave Board

**March 19, 2005 - 11 a.m.** -- Open Meeting

Endless Caverns, New Market, Virginia.

Committee meetings will begin at 11 a.m. A general board meeting will begin at 1 p.m.

**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

**March 8, 2005 - 9 a.m.** -- Open Meeting

**March 10, 2005 - 9 a.m.** -- Open Meeting

**March 15, 2005 - 9 a.m.** -- Open Meeting

**March 16, 2005 - 9 a.m.** -- Open Meeting


**March 22, 2005 - 9 a.m.** -- Open Meeting

† **March 24, 2005 - 9 a.m.** -- Open Meeting


† **April 5, 2005 - 9 a.m.** -- Open Meeting

† **April 7, 2005 - 9 a.m.** -- Open Meeting

† **April 21, 2005 - 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.

**April 19, 2005 - 9 a.m.** -- Open Meeting

† **June 7, 2005 - 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 and review and render 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-2785 at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** 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](mailto:contractors@dpor.virginia.gov).

† **May 25, 2005 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Tradesman and Education Committee to conduct committee business. The department fully complies with the Americans with Disabilities Act.

**Contact:** Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail [contractors@dpor.virginia.gov](mailto:contractors@dpor.virginia.gov).

## BOARD OF CORRECTIONAL EDUCATION

**March 18, 2005 - 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](mailto:patricia.ennis@dce.virginia.gov).

## BOARD OF CORRECTIONS

**March 15, 2005 - 10 a.m.** -- Open Meeting

**May 17, 2005 - 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](mailto:woodhousebl@vadoc.state.va.us).

**March 15, 2005 - 1 p.m.** -- Open Meeting

**May 17, 2005 - 1 p.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor,  
Room 3054, 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](mailto:woodhousebl@vadoc.state.va.us).

**March 16, 2005 - 9:30 a.m.** -- Open Meeting

**May 18, 2005 - 9:30 a.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor  
Board Room, Richmond, Virginia. ♿

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail [woodhousebl@vadoc.state.va.us](mailto:woodhousebl@vadoc.state.va.us).

**March 16, 2005 - 10 a.m.** -- Open Meeting

**May 18, 2005 - 10 a.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor  
Board Room, Richmond, Virginia. ♿

A regular meeting to discuss 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](mailto:woodhousebl@vadoc.state.va.us).

## BOARD OF COUNSELING

† **June 2, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 3, Richmond, Virginia.

A meeting of the Credentials Review Committee to review files of licensee applicants.

**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](mailto:evelyn.brown@dhp.virginia.gov).

† **June 3, 2005 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 3, Richmond, Virginia.

A quarterly meeting to conduct board business

**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](mailto:evelyn.brown@dhp.virginia.gov).

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# Calendar of Events

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## CRIMINAL JUSTICE SERVICES BOARD

**March 17, 2005 - 9 a.m.** -- Open Meeting

**† June 6, 2005 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A meeting of the Committee on Training.

**Contact:** Leon D. Baker, Jr., Division Director, Department of Criminal Justice Services, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

**March 17, 2005 - 11 a.m.** -- Open Meeting

**May 12, 2005 - 11 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A general business meeting.

**Contact:** Leon D. Baker, Jr., Division Director, Department of Criminal Justice Services, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

## Private Security Services Advisory Board

**March 22, 2005 - 10 a.m.** -- Open Meeting

The Patrick Henry Hotel, 617 South Jefferson Street, Roanoke, Virginia.

A general meeting.

**Contact:** Leon D. Baker, Jr., Division Director, Department of Criminal Justice Services, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

**May 4, 2005 - 10 a.m.** -- Open Meeting

1602 Rolling Hills Drive, 2nd Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the advisory board.

**Contact:** Leslie Hutcheson Prince, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23235, telephone (804) 662-9703, toll-free (800) 552-7917, (804) 662-9703/TTY, e-mail leslie.prince@vddhh.virginia.gov.

## BOARD OF DENTISTRY

**March 11, 2005** - Public comments may be submitted until this date.

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

amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene.**

The purpose of the proposed action is to establish the qualifications for issuance of a temporary resident license in dentistry.

Statutory Authority: §§ 54.1-2400 and 54.1-2711.1 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

**March 18, 2005 - 9 a.m.** -- Open Meeting

**March 25, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A Special Conference Committee will 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.

## DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**March 17, 2005 - 11 a.m.** -- Open Meeting

**April 21, 2005 - 11 a.m.** -- Open Meeting

**May 19, 2005 - 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/TTY, or e-mail rhonda.bishton@dgs.virginia.gov.

## BOARD OF EDUCATION

**March 23, 2005 - 9 a.m.** -- Open Meeting

**April 20, 2005 - 9 a.m.** -- Open Meeting

**April 21, 2005 - 9 a.m.** -- Open Meeting

**† May 25, 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 [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

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**April 22, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Education intends to adopt regulations entitled **8 VAC 20-680, Regulations Governing the General Achievement Diploma**. The regulation establishes an individual's eligibility and the course/credit/assessment requirements for the diploma. It replaces emergency regulations effective from November 4, 2003, through November 4, 2004, with very minor changes except in format.

Statutory Authority: §§ 22.1-253.13.4 and 22.1-254.2 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, e-mail [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

## DEPARTMENT OF EDUCATION

**April 14, 2005 - 8:45 a.m.** -- Open Meeting

**April 15, 2005 - 8:45 a.m.** -- Open Meeting

Tidewater region; location to be announced.

A meeting of the State Special Education Advisory Committee. Agenda to be determined.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

### Advisory Board on Teacher Education and Licensure

**March 21, 2005 - 8:45 a.m.** -- Open Meeting

**April 18, 2005 - 8:45 a.m.** -- Open Meeting


Location to be announced.

A regular meeting. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting

arrangements and will note any last-minute changes in time or location. 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 [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

## DEPARTMENT OF ENVIRONMENTAL QUALITY

† **March 10, 2005 - 7 p.m.** -- Open Meeting  
Advanced Technology Center, 1800 College Crescent,  
Virginia Beach, Virginia. 

Renotice of the Department of Environmental Quality (DEQ), the Department of Conservation and Recreation (DCR), the Hampton Roads Planning District Commission, and the City of Virginia Beach seek written and oral comments from interested persons on the development of an Implementation Plan to begin to achieve the Total Maximum Daily Load (TMDL) established for fecal coliform bacteria in Lynnhaven Bay, Broad Bay and Linkhorn Bay in Virginia Beach. The renotice will appear in the Virginia Register of Regulations on March 7, 2005. The comment period closes on April 4.

**Contact:** Chet Bigelow, Department of Environmental Quality, P.O.Box 10009, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, e-mail [cbigelow@deq.virginia.gov](mailto:cbigelow@deq.virginia.gov).

**March 15, 2005 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street,  
Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering Committee.


**Contact:** Mary Ann Massie, Department of Environmental Quality, P.O.Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, e-mail [mamassie@deq.virginia.gov](mailto:mamassie@deq.virginia.gov).

† **March 18, 2005 - 10 a.m.** -- Open Meeting

† **April 8, 2005 - 10 a.m.** -- Open Meeting

† **April 28, 2005 - 10 a.m.** -- Open Meeting

† **May 24, 2005 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

Meetings of the stream mitigation workgroup will be held to discuss and advise the DEQ in the development of guidance for assessing stream impacts and compensation requirements related to impacts permitted under the Virginia Water Protection Permit Program. Workgroup members have already been selected and invited. The public is welcome to attend and is requested to RSVP so that space is available.

**Contact:** Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

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# Calendar of Events

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(804) 698-4047, FAX (804) 698-4032, e-mail cmharold@deq.virginia.gov.

† **March 21, 2005 - 3 p.m.** -- Open Meeting  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. ♿

The first meeting of the advisory committee assisting in the development of a PCB TMDL for the Roanoke River located in Montgomery, Roanoke, Bedford, Pittsylvania and Franklin counties and the cities of Roanoke and Salem. The public notice on the TMDL development will appear in the Virginia Register of Regulations on March 7, 2005.

**Contact:** Jason R. Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6725, e-mail jrhill@deq.virginia.gov.

† **March 21, 2005 - 7 p.m.** -- Open Meeting  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. ♿

The first public meeting on the development of the Roanoke River Basin PCB TMDL. The TMDL will address PCB impairment for 28 miles of the Roanoke River, 2.5 miles of Peter's Creek, 6.5 miles of Tinker Creek, and all of Smith Mountain Lake. These impairments are located in Montgomery County, Roanoke County, Salem City, Roanoke City, Bedford County, Pittsylvania County, and Franklin County. The public notice will appear in the Virginia Register of Regulations on March 7, 2005.

**Contact:** Jason R. Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6725, e-mail jrhill@deq.virginia.gov.

† **March 22, 2005 - 1:30 p.m.** -- Open Meeting  
Patrick Henry Memorial Library, 204 Lynchburg Avenue, Brookneal, Virginia. ♿

The first advisory committee meeting for the Roanoke River PCB TMDL for 88.39 miles of the Roanoke River, located in Pittsylvania, Campbell, Halifax, and Charlotte Counties. The public notice will appear in the Virginia Register of Regulations on March 7, 2005.

**Contact:** Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

† **March 22, 2005 - 7 p.m.** -- Open Meeting  
Brookneal Elementary School, 1330 Charlotte Street, Brookneal, Virginia. ♿

The first public meeting on the development of the Roanoke River PCB TMDL for 88.39 miles of the Roanoke River, located in Pittsylvania, Campbell, Halifax, and Charlotte counties. The public notice will appear in the Virginia Register of Regulations on March 7, 2005.

**Contact:** Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

## BOARD OF FORESTRY

**April 11, 2005 - 1 p.m.** -- Open Meeting  
Virginia Military Institute, Lexington, Virginia. ♿ (Interpreter for the deaf provided upon request)

A 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) 977-7749, e-mail donna.hoy@dof.virginia.gov.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**March 8, 2005 - 9 a.m.** -- Open Meeting  
† **June 7, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss issues and matters as they relate to the board.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail elizabeth.young@dhp.virginia.gov.

† **March 15, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

An informal conference to hear possible violations of the laws and regulations governing the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail elizabeth.young@dhp.virginia.gov.

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**March 25, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to amend regulations entitled **18 VAC 65-20, Regulations of the Board of Funeral Directors and Embalmers**. The purpose of the proposed action is to establish criteria for delegation of certain informal fact finding to an agency subordinate.

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

Public comments may be submitted until March 25, 2005, to Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. Broad St., 5th Floor, 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](mailto:elaine.yeatts@dhp.virginia.gov).

**April 12, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Legislative/Regulatory Committee to review and amend any of the regulations of the board.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

**May 3, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Continuing Education Committee to discuss issues related to continuing education requirements.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. 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](mailto:elizabeth.young@dhp.virginia.gov).

**May 10, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Legislative/Regulatory Committee to discuss any legislative and regulatory changes for the board.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

## BOARD OF GAME AND INLAND FISHERIES

**March 24, 2005 - 9 a.m.** -- Open Meeting  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to hear department staff's presentation of preliminary recommendations for amendments to all department-administered regulations, including those governing game wildlife, hunting, trapping, wildlife diversity, fish, fishing, and boating. This comprehensive regulatory review will occur over three board meetings, of March 24, August 18, and October 27, 2005. At the March 24 meeting, Department of Game and Inland Fisheries' staff will present preliminary recommendations for regulatory amendments and the board will solicit and hear comments from the public. A public comment period on staff preliminary recommendations will be offered from April 21 through August 1, 2005. At the August 18, 2005, board meeting, Department of Game and Inland Fisheries' staff will present

proposal-stage recommendations for regulatory amendments, the board will solicit and hear comments from the public in a public hearing, and the board then intends to propose regulations or regulation amendments. Any proposed regulatory actions will be published in the Virginia Register of Regulations, posted on the internet at [www.dgif.state.va.us](http://www.dgif.state.va.us), and summaries advertised in newspapers. A public comment period on any proposed regulations will occur between August and early October 2005. Adoption of any regulations or regulation amendments as final will take place at the October 27, 2005, board meeting. The board is required by § 2.2-4031 to publish all proposed and final regulations. The regulations' effective date will be July 1, 2006. At the March 24 meeting the board also will hear a report of the Procurement Review Committee; and the board also may: discuss general and administrative issues, hold a closed session at some time during the March 24 meeting, and elect to hold a dinner Wednesday evening, March 23, 2005, at a location and time to be determined.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4016 W. Broad St., Richmond VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail [DGIFRegs@dgif.virginia.gov](mailto:DGIFRegs@dgif.virginia.gov).

## BOARD FOR GEOLOGY

**April 20, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

**Contact:** David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail [geology@dpor.virginia.gov](mailto:geology@dpor.virginia.gov).

## GEORGE MASON UNIVERSITY

### Board of Visitors

† **March 11, 2005 - 9 a.m.** -- Open Meeting  
INOVA Health Systems, 8110 Gatehouse Road, Suite 200, Falls Church, Virginia. ♿

A work session to discuss the university 2010 plan.

**Contact:** Mary Roper, Secretary pro tem, George Mason University, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, FAX (703) 993-8870, e-mail [mroper@gmu.edu](mailto:mroper@gmu.edu).

## STATE BOARD OF HEALTH

**April 12, 2005 - 10 a.m.** -- Public Hearing  
3600 Centre, 3600 West Broad Street, 3rd Floor, Conference Room, Richmond, Virginia.

**April 22, 2005** - Public comments may be submitted until this date.

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# Calendar of Events

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Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to **repeal** regulations entitled **12 VAC 5-380, Regulations for the Licensure of Home Health Agencies**, and **adopt** regulations entitled **12 VAC 5-381, Regulations for the Licensure of Home Care Organizations**. The purpose of the proposed action is to update criteria and standards for the licensure of home care organizations to reflect current national and health care industry standards and to remove archaic language and ambiguities.

Statutory Authority: §§ 32.1-12 and 32.1-162.12 of the Code of Virginia.

**Contact:** Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services and Consumer Protection, 3600 West Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail [carrie.eddy@vdh.virginia.gov](mailto:carrie.eddy@vdh.virginia.gov).

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**April 22, 2005** - 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 5-410, Regulations for the Licensure of Hospitals in Virginia**. The purpose of the proposed action is to prevent federal classification of rural areas as metropolitan statistical areas from affecting hospitals reimbursement.


Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

**Contact:** Rene Cabral Daniels, Director, Division of General Environmental Services, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7425 or e-mail [rene.cabraldaniels@vdh.virginia.gov](mailto:rene.cabraldaniels@vdh.virginia.gov).


## DEPARTMENT OF HEALTH

**March 11, 2005 - 10:30 a.m.** -- Open Meeting  
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 

A meeting of the Advisory Committee for the Virginia Early Hearing Detection and Intervention Program. The advisory committee meets four times a year.

**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](mailto:pat.dewey@vdh.virginia.gov).


## DEPARTMENT OF HEALTH PROFESSIONS

**March 22, 2005 - 11 a.m.** -- Open Meeting  
Virginia State Forensic Science Building, 6600 Northside High School Road, Roanoke, Virginia. 


A working meeting of the Prescription Monitoring Program Advisory Committee for the purpose of reviewing data collected for the program evaluation workplan. Public comments will be received during the 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) 622-9240.

## BOARD FOR HEARING AID SPECIALISTS

**March 21, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, 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. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-8590 at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for 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](mailto:hearingaidspec@dpor.virginia.gov).

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA


**† March 8, 2005 - 12 p.m.** -- Open Meeting  
Piedmont Virginia Community College, 501 College Drive, Charlottesville, Virginia.

Committee meetings begin at 8 a.m. Agenda materials will be available on the website approximately one week prior to the meeting at [www.schev.edu](http://www.schev.edu). A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.


**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA, telephone (804) 225-2602, FAX (804) 371-7911, e-mail [LeeAnnRung@schev.edu](mailto:LeeAnnRung@schev.edu).

## VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

### Virginia College Savings Plan Board


† **March 23, 2005 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 5th Floor,  
Richmond, Virginia. 

A board meeting.


**Contact:** Lee Hall, Special Projects Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., Richmond, Virginia, telephone (804) 786-0719, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY , e-mail [vcspinfo@Virginia529.com](mailto:vcspinfo@Virginia529.com).

## DEPARTMENT OF HISTORIC RESOURCES

### Historic Resources Board and State Review Board

† **March 16, 2005 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

The Historic Resources Board will consider nominations to the Virginia Landmarks Register, proposed Historic Highway Markers and proposed Historic Preservation Easements. The State Review Board will consider nominations to the National Register of Historic Places. They will convene in an informal session to consider preliminary information forms (first step of Register process where owners get informal advice and guidance). Nominations may be reviewed at [www.dhr.virginia.gov/homepage\\_features/board\\_activities.htm](http://www.dhr.virginia.gov/homepage_features/board_activities.htm)

**Contact:** Marc Wagner, National Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond VA 23221, telephone (804) 367-2322, FAX (804) 367-2391, (804) 367-2386/TTY , e-mail [Marc.Wagner@dhr.virginia.gov](mailto:Marc.Wagner@dhr.virginia.gov).

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**March 17, 2005 - 10 a.m.** -- Public Hearing  
Greater Richmond Convention Center, 403 North 3rd Street, Room B-10, Richmond, Virginia.

**April 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled **13 VAC 5-21, Virginia Certification Standards**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-137 of the Code of Virginia.

**Contact:** Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St.,

Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail [steve.calhoun@dhcd.virginia.gov](mailto:steve.calhoun@dhcd.virginia.gov).

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**March 17, 2005 - 10 a.m.** -- Public Hearing  
Greater Richmond Convention Center, 403 North 3rd Street, Room B-10, Richmond, Virginia.

**April 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled **13 VAC 5-31, Virginia Amusement Device Regulations**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-98.3 of the Code of Virginia.

**Contact:** Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail [steve.calhoun@dhcd.virginia.gov](mailto:steve.calhoun@dhcd.virginia.gov).

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**March 17, 2005 - 10 a.m.** -- Public Hearing  
Greater Richmond Convention Center, 403 North 3rd Street, Room B-10, Richmond, Virginia.

**April 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled **13 VAC 5-51, Virginia Statewide Fire Prevention Code**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 27-97 of the Code of Virginia.

**Contact:** Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail [steve.calhoun@dhcd.virginia.gov](mailto:steve.calhoun@dhcd.virginia.gov).

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**March 17, 2005 - 10 a.m.** -- Public Hearing  
Greater Richmond Convention Center, 403 North 3rd Street, Room B-10, Richmond, Virginia.

**April 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to repeal regulations entitled **13 VAC 5-62, Virginia Uniform Statewide Building Code (USBC)** and adopt regulations entitled **13 VAC 5-63, Virginia Uniform Statewide Building Code (USBC)**. The purpose of the proposed action is to repeal 13 VAC 5-62 and adopt

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# Calendar of Events

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13 VAC 5-63 to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-98 of the Code of Virginia.

**Contact:** Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail [steve.calhoun@dhcd.virginia.gov](mailto:steve.calhoun@dhcd.virginia.gov).

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**March 17, 2005 - 10 a.m.** -- Public Hearing  
Greater Richmond Convention Center, 403 North 3rd Street, Room B-10, Richmond, Virginia.

**April 11, 2005** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled **13 VAC 5-91, Virginia Industrialized Building Safety Regulations**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-73 of the Code of Virginia.


**Contact:** Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail [steve.calhoun@dhcd.virginia.gov](mailto:steve.calhoun@dhcd.virginia.gov).

**March 17, 2005 - 11 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 


A regular business meeting. The meeting will begin one hour after adjournment of the public hearing.

**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](mailto:steve.calhoun@dhcd.virginia.gov).


## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**March 11, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A meeting of the Community Development Codes and Standards Committee to review proposed regulations and public comment.

**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](mailto:steve.calhoun@dhcd.virginia.gov).


## State Building Code Technical Review Board

**† March 18, 2005 - 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 meeting to hear appeals concerning state building and fire codes and issue interpretations to recommend changes to the codes to the Board of Housing and Community Development.


**Contact:** Vernon W. Hodge, Board Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7159.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**† March 15, 2005 - 9 a.m.** -- Open Meeting  
National Conference Center, 18980 Upper Belmont Place, Lansdowne, Virginia 

A regular meeting of the Board of Commissioners to review and, if appropriate, (i) approve the minutes from the prior meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations; and (iv) consider such other matters and take such other actions as deemed appropriate.

The Board of Commissioners will hold a retreat meeting on March 13, 2005, commencing at noon and will continue the retreat meeting on March 14, 2005, commencing at 8 a.m. The Board of Commissioners may also meet during meals that are scheduled on March 13 through 15, 2005. 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 meet during March 13 and 14, 2005, and before and after the regular meeting on March 15, 2005, 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


### E-911 Wireless Services Board

**March 9, 2005 - 9 a.m.** -- Open Meeting  
110 South 7th Street, 1st Floor, Telecommunications Conference Room, Suite 100, Richmond, Virginia. 

A meeting of the E-911 Wireless Services Board 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., 3rd Floor, Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

**March 9, 2005 - 10 a.m.** -- Open Meeting  
110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia. 


A regular monthly meeting.


**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, Richmond, VA, telephone (804) 371-0015, toll-free (866) 482-3911, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

## JAMESTOWN-YORKTOWN FOUNDATION


† **March 23, 2005 - Noon** -- Open Meeting  
† **May 4, 2005 - 2 p.m.** -- Open Meeting  
† **June 8, 2005 - Noon** -- Open Meeting  
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee. Call contact below for specific meeting location.

**Contact:** Judith Leonard, Administrative Office Manager, Jamestown-Yorktown Foundation, 410 W. Francis St., Williamsburg, VA 23185, telephone (757) 253-4253, FAX (757) 253-4950, (757) 253-5110/TTY , e-mail [judith.leonard@jyf.virginia.gov](mailto:judith.leonard@jyf.virginia.gov).

† **May 19, 2005 - 10 a.m.** -- Open Meeting  
† **May 20, 2005 - 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. The time listed above is approximate as a detailed schedule is yet to be determined. An opportunity for public comment will be included on the May 20 business meeting agenda.

**Contact:** Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-7285, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-5110/TTY , e-mail [laura.bailey@jyf.virginia.gov](mailto:laura.bailey@jyf.virginia.gov).


## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council


**March 17, 2005 - 10 a.m.** -- Open Meeting  
New Horizons Regional Education Center, 520 Butler Road, Hampton, Virginia.

A general business meeting.

**Contact:** Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St.,

Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail [bgd@doli.virginia.gov](mailto:bgd@doli.virginia.gov).

## STATE LIBRARY BOARD


**March 14, 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](mailto:jtaylor@lva.lib.va.us).


## COMMISSION ON LOCAL GOVERNMENT

**March 14, 2005 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North 2nd Street, 1st Floor Board Room, Richmond, Virginia. 


A regular meeting to consider matters as may be presented.

**Contact:** Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-1120/TTY , e-mail [ted.mccormack@dhcd.virginia.gov](mailto:ted.mccormack@dhcd.virginia.gov).

## MARINE RESOURCES COMMISSION

**March 22, 2005 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia.  (Interpreter for the deaf provided upon request)

A monthly 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](mailto:jane.mccroskey@mrc.virginia.gov)

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# Calendar of Events

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## BOARD OF MEDICAL ASSISTANCE SERVICES

**March 8, 2005 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. ☎

A quarterly meeting required in the BMAS bylaws.

**Contact:** Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail nancy.Malczewski@dmas.virginia.gov.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**March 23, 2005 - 9 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Richmond, Virginia. ☎

A meeting of the Pharmacy and Therapeutics Committee to conduct its annual review of PDL Phase II and III Drug Classes.

**Contact:** Katina Goodwyn, Pharmacy Contract Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, FAX (804) 786-0973, (800) 343-0634/TTY ☎, e-mail katina.goodwyn@dmas.virginia.gov.

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**April 22, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-70, Methods and Standards for Establishing Payment Rates Inpatient Hospital Services**. The purpose of the proposed action is to eliminate a separate DSH payment calculation for Medicaid-recognized NICU programs and to modify indirect medical education payments. This action also proposes to exclude freestanding psychiatric hospitals from the standard rebasing action conducted for other types of hospitals' reimbursement.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Items 326 (OO) and 326 (NN) of Chapter 4 of the 2004 Acts of Assembly, Special Session I.

**Contact:** Steve Ford, Provider Reimbursement Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7355, FAX (804) 786-1680 or e-mail Steve.Ford@dmas.virginia.gov.

† **April 22, 2005 - 11 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ☎

A meeting of the Dental Advisory Committee to streamline administrative processes and procedures that are impediments to dental provider participation in Medicaid.

**Contact:** Stephen Riggs, DDS, Dental Consultant, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 786-6635, FAX (804) 786-0414, (800) 343-0634/TTY ☎, e-mail va.smiles@dmas.virginia.gov.

**May 18, 2005 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia.

A meeting of the Medicaid Transportation Advisory Committee to discuss issues and concerns about Medicaid transportation issues with the committee and the community.

**Contact:** Peter Lubinkas, Transportation Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8855, FAX (804) 371-6035, (800) 343-0634/TTY ☎, e-mail peter.lubinkas@dmas.virginia.gov.

## BOARD OF MEDICINE

**March 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-80, Regulations Governing the Practice of Occupational Therapy**. The purpose of the proposed action is to establish criteria for use of title of OTA.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.5 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 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.

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**March 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to adopt regulations entitled **18 VAC 85-15, Regulations for Delegation to an Agency Subordinate**. The purpose of the proposed action is to establish criteria for the types of cases that may be heard by an agency subordinate in an informal fact-finding proceeding.

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

Public comments may be submitted until March 11, 2005, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.



**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 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](mailto:elaine.yeatts@dhp.virginia.gov).

† **March 11, 2005 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

The board will conduct formal hearings to inquire into allegations that certain practitioners may have violated laws and regulations concerning the practice of medicine and other healing arts. The board may review cases with staff for case disposition including consideration of consent orders for settlement of matters pending before the board. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Renee Dixon, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail [renee.dixon@dhp.virginia.gov](mailto:renee.dixon@dhp.virginia.gov).

† **March 12, 2005 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor Richmond, Virginia.

The board will conduct formal and informal proceedings to inquire into allegations that certain practitioners may have violated certain laws and regulations governing the practice of medicine and other healing arts. Further, the board may review cases with staff for case disposition including consideration of consent orders for settlement of matters pending before the board. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Renee S. Dixon, Discipline Case Manager, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, Virginia, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail [renee.dixon@dhp.virginia.gov](mailto:renee.dixon@dhp.virginia.gov).

† **March 23, 2005 - 9:15 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia ☎

Informal conferences to inquire into allegations that certain practitioners may have violated certain laws and regulations governing the practice of medicine and other healing arts. Further, the board may review cases with staff for case disposition including consideration of consent orders for settlement for matters pending before the board. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Renee S. Dixon, Discipline Case Manager, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, Virginia, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail [renee.dixon@dhp.virginia.gov](mailto:renee.dixon@dhp.virginia.gov).

**April 22, 2005 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Legislative Committee will consider regulatory matters as may be presented on the agenda. Public comment on agenda items 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](mailto:william.harp@dhp.virginia.gov).

**May 20, 2005 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting of the Executive Committee to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Acupuncture

**April 6, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Athletic Training

**April 7, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of athletic training. 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](mailto:william.harp@dhp.virginia.gov).

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# Calendar of Events

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## Advisory Board of Occupational Therapy

**April 5, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of occupational therapy. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Physician Assistants

**April 7, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of physician assistants. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Radiologic Technology

**April 6, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technologists and radiologic technologists-limited. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Respiratory Care

**April 5, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of respiratory care. 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](mailto:william.harp@dhp.virginia.gov).

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

### Virginia Interagency Coordinating Council

**† March 9, 2005 - 9:30 a.m.** -- Open Meeting  
Hanover Department of Social Services, 12304 Washington Highway, Ashland, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C of IDEA, early intervention for infants and toddlers with disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part C program.

**Contact:** LaKeishia White, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, P.O. Box 1797, 9th Floor, Richmond, VA 23218-1797, telephone (804) 786-3710, FAX (804) 371-7959.

## VIRGINIA COMMISSION ON MILITARY BASES

**† April 14, 2005 - 10 a.m.** -- Open Meeting  
University of Mary Washington, Jepson Alumni Executive Center, 1119 Hanover Street, Fredericksburg, Virginia. ♿

A quarterly meeting.

**Contact:** Valerie Hubbard, Communications Manager, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218, telephone (804) 225-3743, FAX (804) 786-1121, e-mail [vhubbard@yesvirginia.org](mailto:vhubbard@yesvirginia.org).

## VIRGINIA MILITARY INSTITUTE

**March 11, 2005 - 8 a.m.** -- Open Meeting  
Sheraton Inn Waterside, 777 Waterside Drive, Greenway Room, Norfolk, Virginia. ♿

A regular meeting of the Board of Visitors.

**Contact:** Colonel Michael M. Strickler, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (540) 464-7206.

## MOTOR VEHICLE DEALER BOARD

**March 14, 2005 - 8:30 a.m.** -- Open Meeting  
2300 West Broad Street, Room 702, Richmond, Virginia ♿  
(Interpreter for the deaf provided upon request)

Committees will meet as follows: Dealer Practices Committee - 8:30 a.m. Licensing Committee - immediately following Dealer Practices. Advertising Committee - 9:30 a.m. or immediately after Licensing, whichever is later. Transaction Recovery Fund Committee - Immediately following Advertising. Franchise Law Committee - To be scheduled as needed. Full board meeting - 10 a.m. or 5-45 minutes following Transaction Recovery Fund. NOTE: Meetings may begin later, but not earlier than scheduled.


Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail [dboard@mvdv.virginia.gov](mailto:dboard@mvdv.virginia.gov).


## VIRGINIA MUSEUM OF FINE ARTS

**April 5, 2005 - 8 a.m.** -- Open Meeting

**May 3, 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](mailto:sbroyles@vmfa.state.va.us).


## BOARD OF NURSING

**March 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing**, and **18 VAC 90-25, Regulations Governing Certified Nurse Aides**. The purpose of the proposed action is to consolidate requirements for advanced certified nurse aides and for wearing identification and notifications to the Board of Nursing into 18 VAC 90-25, regulations for nurse aides.

Statutory Authority: §§ 54.1-2400 and 54.1-3025.1 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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](mailto:elaine.yeatts@dhp.virginia.gov).

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**March 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed

action is to clarify requirements in the nurse practitioner regulations for consistency with the Nurse Licensure Compact.

Statutory Authority: §§ 54.1-2400 and 54.1-3025.1 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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](mailto:elaine.yeatts@dhp.virginia.gov).

**March 14, 2005 - 9 a.m.** -- Open Meeting


**March 16, 2005 - 9 a.m.** -- Open Meeting

**March 17, 2005 - 9 a.m.** -- Open Meeting


**May 16, 2005 - 9 a.m.** -- Open Meeting

**May 18, 2005 - 9 a.m.** -- Open Meeting

**May 19, 2005 - 9 a.m.** -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.


**Contact:** 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](mailto:nursebd@dhp.virginia.gov).

**March 15, 2005 - 9 a.m.** -- Open Meeting

**May 17, 2005 - 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 discipline case decisions as presented on the agenda. Public comment will be received at 11 a.m.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

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**March 25, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to establish criteria for delegation of certain informal fact finding to an agency subordinate.

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

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# Calendar of Events

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Public comments may be submitted until March 25, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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](mailto:elaine.yeatts@dhp.virginia.gov).

**April 5, 2005 - 9 a.m.** -- Open Meeting

**April 6, 2005 - 9 a.m.** -- Open Meeting

**April 11, 2005 - 9 a.m.** -- Open Meeting

**April 12, 2005 - 9 a.m.** -- Open Meeting

**April 19, 2005 - 9 a.m.** -- Open Meeting

**† June 7, 2005 - 9 a.m.** -- Open Meeting

**† June 8, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A Special Conference Committee, comprised of two members of the Virginia Board of Nursing or agency subordinate, 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](mailto:nursebd@dhp.virginia.gov).

## JOINT BOARDS OF NURSING AND MEDICINE

**March 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to clarify requirements in the nurse practitioner regulations for consistency with the Nurse Licensure Compact.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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](mailto:elaine.yeatts@dhp.virginia.gov).

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**March 25, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-30, Regulations Governing**

**the Licensure of Nurse Practitioners**. The purpose of the proposed action is to establish the required content of the written protocol authorizing nurse practitioners to sign a certain document in lieu of the supervising physician.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until March 25, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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](mailto:elaine.yeatts@dhp.virginia.gov).

**April 13, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

**Contact:** Jay P. Douglas, RN, MSM, CSAC, 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](mailto:nursebd@dhp.virginia.gov).

## BOARD OF NURSING HOME ADMINISTRATORS

**† April 20, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss general board business. There will be a public comment period during the first 15 minutes of the meeting.

**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](mailto:sandra.reen@dhp.virginia.gov).

## OLD DOMINION UNIVERSITY

**March 21, 2004 - 3 p.m.** -- Open Meeting

**May 16, 2005 - 3 p.m.** -- Open Meeting


Old Dominion University, Webb University Center, 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, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail [dmeeks@odu.edu](mailto:dmeeks@odu.edu).

**NOTE: CHANGE IN MEETING DATE**

**April 4, 2005 - 1 p.m.** -- Open Meeting


Old Dominion University, Webb University Center, Norfolk, Virginia. 

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president.


**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](mailto:dmeeks@odu.edu).

## BOARD FOR OPTICIANS

**April 15, 2005 - 9:30 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, 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. Person 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:** 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](mailto:opticians@dpor.virginia.gov).

## BOARD OF OPTOMETRY


**† March 8, 2005 - 9 a.m.** -- Open Meeting

Alcoa Building, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. 

A meeting of the Professional Designation Committee to (i) discuss title clarification; (ii) review the current professional designation application/instructions and recommend any needed changes; and (iii) review and discuss a request from Eye America, LLC. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

**† March 8, 2005 - 10 a.m.** -- Open Meeting


Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

The board will meet to adopt final regulations for delegation of informal fact-finding to an agency subordinate, respond to a petition for rulemaking, receive legislative update, discuss request from Special Psychological Services Group, and receive various reports. The board will also conduct any


general business as needed. Public comment may be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

**† March 8, 2005 - 11 a.m.** -- Open Meeting

Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Legislative/Regulatory Review Committee to receive and discuss the VSO's proposed amendments to the treatment guidelines for TPA-certified optometrists, 18 VAC 105-20-46. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

## VIRGINIA OUTDOORS FOUNDATION

**† April 7, 2005 - 10 a.m.** -- Open Meeting


Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia.

A meeting to consider easement proposals and to discuss policy issues. The board will also receive a report from the executive director and public comment will be heard at 1 p.m.


**Contact:** Bob Lee, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Suite 317, Richmond, VA 23219, telephone (804) 371-2724, FAX (804) 371-4810, e-mail [tcleary@vofonline.org](mailto:tcleary@vofonline.org).

## VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES


**March 16, 2005 - 10 a.m.** -- Open Meeting

202 North 9th Street, 9th Floor, Richmond, Virginia. 


An Executive Committee meeting.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY , e-mail [sandra.smalls@vbpd.virginia.gov](mailto:sandra.smalls@vbpd.virginia.gov).

**March 17, 2005 - 9 a.m.** -- Open Meeting

Holiday Inn, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY , e-mail [sandra.smalls@vbpd.virginia.gov](mailto:sandra.smalls@vbpd.virginia.gov).

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# Calendar of Events

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## PESTICIDE CONTROL BOARD

† **April 21, 2005 - 9 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, 2nd Floor  
Boardroom, Richmond, Virginia. ♿

A meeting to discuss general business matters requiring board action. However, portions of the meeting may be held in closed session, pursuant to § 2.2-3711 of the Code of Virginia. The board intends to consider final adoption of amendments to 2 VAC 20-40, Rules and Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Virginia Pesticide Control Act. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Dr. Wayne Surles at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Dr. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., 4th Floor, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail Wayne.Surles@vdacs.virginia.gov.

## BOARD OF PHARMACY

† **March 10, 2005 - 9 a.m.** -- Open Meeting  
† **March 22, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

A Special Conference Committee will meet to 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, Virginia 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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**March 11, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed regulation is to set requirements that must be met for a dispensing pharmacy to outsource prescription order processing to a remote or centralized pharmacy.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St.,

Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

† **June 7, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. ♿

A board meeting 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, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ♿, e-mail scotti.russell@dhp.virginia.gov.

## BOARD OF PHYSICAL THERAPY

**April 22, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

A meeting to discuss board issues and board business.

**Contact:** Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail elizabeth.young@dhp.virginia.gov.

**April 22, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

A meeting of the Legislative/Regulatory Committee to discuss legislative and regulatory changes to the regulations.

**Contact:** Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail elizabeth.young@dhp.virginia.gov.

## POLYGRAPH EXAMINERS ADVISORY BOARD

† **June 2, 2005 - 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:** Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ♿, e-mail kevin.hoeft@dpor.virginia.gov.

## BOARD OF PSYCHOLOGY

**April 12, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

A business meeting to discuss reports from standing committees and any regulatory and disciplinary 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](mailto:evelyn.brown@dhp.virginia.gov).

## REAL ESTATE APPRAISER BOARD

**April 20, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. ♿

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, 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](mailto:karen.oneal@dpor.virginia.gov).

**May 3, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4 West Conference Room,  
Richmond, Virginia. ♿

A meeting to discuss 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.oneal@dpor.virginia.gov](mailto:karen.oneal@dpor.virginia.gov).

## REAL ESTATE BOARD

**March 10, 2005 - 9 a.m.** -- Open Meeting  
† **April 6, 2005 - 9 a.m.** -- Open Meeting  
† **April 7, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. ♿

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, 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](mailto:karen.oneal@dpor.virginia.gov).

**March 23, 2005 - 3 p.m.** -- Open Meeting  
**May 18, 2005 - 3 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Education Committee to review education applications.

**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](mailto:karen.oneal@dpor.virginia.gov).

**March 24, 2005 - 8:30 a.m.** -- Open Meeting  
**May 19, 2005 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Fair Housing Committee to review fair housing cases.

**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](mailto:karen.oneal@dpor.virginia.gov).

**March 24, 2005 - 9 a.m.** -- Open Meeting  
**May 19, 2005 - 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, 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](mailto:karen.oneal@dpor.virginia.gov).

## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

**March 23, 2005 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Southwest Regional  
Office, 355 Deadmore Street, Abingdon, Virginia.

The council (VRMDC) will meet from 10 a.m. to noon, will break for lunch and then hold a joint meeting of its Local Government Assistance and Recycling Rate Subcommittees from 1 p.m. to 3 p.m. The primary purpose of the meeting is to obtain comments from Southwest Virginia localities, waste management authorities and other interested parties on (i) what, if any, changes are recommended in Virginia's 25% recycling rate mandate (including the statutes and regulations implementing that mandate) and (ii) ways in which the VRMDC and state could assist localities and waste management authorities in meeting the state recycling mandate. The VRMDC is traveling to Southwest Virginia in an effort to make it easier for localities, waste management authorities and members of the public from that region of the state to submit their views and the submission of comments at the meeting is

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# Calendar of Events


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encouraged. Public comments will be sought at the meeting of the full council (to be held from 10 a.m. to noon) and the two subcommittees will then meet jointly (from 1 p.m. to 3 p.m.) to consider the comments received and to discuss their plans for continuing their work in 2005.

**Contact:** Philip F. Abraham, Virginia Recycling Markets Development Council, 411 E. Franklin St., Suite 602, Richmond, VA 23219, telephone (804) 644-6600, FAX (804) 644-6628, e-mail pabraham@vectrecorp.com.

## DEPARTMENT OF REHABILITATIVE SERVICES

### State Rehabilitation Council

**March 14, 2005 - 10 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, e-mail smithee@drs.state.va.us.

## VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

† **March 8, 2005 - 8:30 a.m.** -- Open Meeting  
Center for Innovative Technology, 2214 Rock Hill Road, Suite 600, Herndon, Virginia.

An Intellectual Property Subcommittee meeting to discuss novel ideas for Technology Transfer Partnerships between Virginia Universities and High Technology Small Businesses and set the subcommittee's 2005 agenda.

**Contact:** Nancy Vorona, Interim Executive Director, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3000, e-mail nvorona@cit.org.

**March 8, 2005 - 11 a.m.** -- Open Meeting  
Center for Innovative Technology, 2214 Rock Hill Road, Suite 600, Herndon, Virginia.

A quarterly meeting. Persons wishing to attend should RSVP in advance to Nancy Vorona.

**Contact:** Nancy Vorona, Interim Executive Director, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Road, Suite 600, Herndon, VA 20170, telephone (703) 689-3000, e-mail nvorona@cit.org.


† **May 17, 2005 - 1 p.m.** -- Open Meeting  
James Madison University, 800 North Main Street, Harrisonburg, Virginia.

Tour at 10 a.m.; meeting 1 p.m.-5 p.m. (lunch provided). A reception and dinner in honor of the commission will be cohosted by JMU and CIT and will be held in the Board of Visitors Dining Room of the College Center, JMU.

Reception refreshments and dinner will be provided to commission members and invited guests. Reception 5:45 p.m. Dinner 6:30 p.m.

**Contact:** Nancy Vorona, VP Research Investment, CIT, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, e-mail nvorona@cit.org.


## VIRGINIA RESOURCES AUTHORITY

**March 8, 2005 - 9 a.m.** -- Open Meeting  
† **April 12, 2005 - 9 a.m.** -- Open Meeting  
Eighth and Main Building, 707 East Main Street, 2nd Floor, Richmond, Virginia. 

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcr@aera.state.va.us.

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD


**April 6, 2005 - 10 a.m.** -- Open Meeting  
County of Henrico Government Center, 8600 Dixon Powers Drive, Human Services Board Room, 2nd Floor, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits and/or Indemnification Fund Claim requests.

**Contact:** Susan Sherertz, Secretary to the Board, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7475, e-mail susan.sherertz@vdh.virginia.gov.



## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **March 16, 2005 - 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, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail scott.parsons@dba.virginia.gov.

## STATE BOARD OF SOCIAL SERVICES

**March 16, 2005 - 8:30 a.m.** -- Open Meeting  
Department of Social Services, 7 North 8th Street, 6th Floor,  
Conference Room, Richmond, Virginia.

A work session/roundtable to discuss assisted living facilities.

**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.

## BOARD OF SOCIAL WORK

**March 25, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled **18 VAC 140-20, Regulations Governing the Practice of Social Work**. The purpose of the proposed regulation is to establish criteria for delegation of certain informal fact finding to an agency subordinate.

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

Public comments may be submitted until March 25, 2005, to Evelyn B. Brown, Executive Director, Board of Social Work, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **March 17, 2005 - 9:30 a.m.** -- Open Meeting  
USDA, Natural Resources Conservation Service, 1606 Santa Rosa Road, Suite 209, Richmond, 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.

**March 23, 2005 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the Ad Hoc Committee on Dam Safety to be held in support of a July 15, 2004, motion of the Virginia Soil and Water Conservation Board that provides that the Virginia Soil and Water Conservation Board establish an ad hoc committee for the expressed purpose of studying the Classes of Impounding Structures (4 VAC 50-20-40), Performance Standards Required for Impounding Structures (4 VAC 50-20-50) and the attendant Table 1 established in the 2004 Virginia Impounding Structures Regulations.

**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 TOBACCO SETTLEMENT FOUNDATION

† **March 16, 2005 - Noon** -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Conference Room 1, Richmond, Virginia.

A regularly scheduled meeting.

**Contact:** Eloise Burke, Senior Executive Assistant, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@vtfssf.org.

## COMMONWEALTH TRANSPORTATION BOARD

† **March 16, 2005 - 2 p.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street,  
Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and transportation staff.

**Contact:** Carol A. Mathis, Administrative Staff Assistant, Department of Transportation, 1401 E. Broad St. Richmond, VA 23219, telephone (804) 786-2701, e-mail Carol.Mathis@VDOT.Virginia.gov.

† **March 17, 2005 - 9 a.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street,  
Auditorium, Richmond, Virginia. 

A regularly scheduled meeting to transact board business, such as permits, additions/deletions to the highway system, and other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select

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# Calendar of Events

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one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

**Contact:** Carol A. Mathis, Administrative Staff Assistant, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, FAX (804) 225-4700, e-mail Carol.Mathis@VDOT.Virginia.gov.

## TREASURY BOARD


**March 16, 2005 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 

A regular meeting.

**Contact:** Melissa Mayes, Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-2142, e-mail melissa.mayes@trs.virginia.gov.

## DEPARTMENT OF VETERANS SERVICES


### Board of Veterans Services

**March 28, 2005 - 1 p.m.** -- Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. 

A regular meeting. Public comment will be received at approximately 2:45 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.

### Veterans Services Foundation

**March 9, 2005 - 11 a.m.** -- Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. 

A meeting of the Board of Trustees.

**Contact:** Steve Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, e-mail steven.combs@dvs.virginia.gov.

## STATE WATER CONTROL BOARD

**March 7, 2005 - 2 p.m.** -- Public Hearing  
Luray Fire Station, 1 Firehouse Lane, Luray, Virginia.


**April 1, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality**

**Standards.** The proposed amendment to the Antidegradation Policy, part of the state's Water Quality Standards, would designate portions of Big Run, Brokenback Run, Doyles River, East Branch Naked Creek, East Hawksbill Creek, Hughes River, Jeremys Run, North Fork Thornton River, Piney River, Rose River, and White Oak Canyon Run for special protection as exceptional state waters.


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

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

**March 10, 2005 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A public meeting to receive comments on the State Water Control Board's notice of intent to amend the general VPDES permit for ready-mix concrete plants to include concrete products plants. The notice of intent appears in the Virginia Register of Regulations on February 7, 2005, and the public comment period closes on March 11, 2005.

**Contact:** Lily Choi, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.virginia.gov.

**March 10, 2005 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting to receive comments from the public on the State Water Control Board's notice of intent to adopt a general VPDES permit for wastewater discharges from coin operated laundromats. The notice of intent is published in the Virginia Register of Regulations on February 7, 2005, and the comment period closes on March 11, 2005.

**Contact:** George E. Cosby, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032, e-mail gec Cosby@deq.virginia.gov.

**March 15, 2005 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular board meeting. Agenda will be posted approximately 10 days before the 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 cmb Berndt@deq.virginia.gov.

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**March 17, 2005 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, Valley Regional Office,  
4111 Early Road, Harrisonburg, Virginia.

**March 21, 2005 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional  
Office, 4949-A Cox Road, Glen Allen, Virginia.

**March 22, 2005 - 1:30 p.m.** -- Public Hearing  
Department of Environmental Quality, Northern Regional  
Office, 13901 Crown Court, Woodbridge, Virginia


**March 23, 2005 - 4 p.m.** -- Public Hearing  
Department of Environmental Quality, Tidewater Regional  
Office, 5636 Southern Boulevard, Virginia Beach, Virginia.


**April 25, 2005** - Public comments may be submitted until this  
date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the State Water Control Board intends  
to amend regulations entitled **9 VAC 25-40, Regulation for  
Nutrient Enriched Waters and Dischargers Within the  
Chesapeake Bay Watershed**, and **9 VAC 25-720, Water  
Quality Management Planning Regulation**. The purpose  
of the proposed action is to establish numerical limitations  
for the discharge of total nitrogen, and the possible revision  
of numerical limitations for the discharge of total  
phosphorous, for certain dischargers located within the  
Chesapeake Bay Watershed.

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

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

**March 31, 2005 - 2 p.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional  
Office, 4949-A Cox Road, Glen Allen, Virginia. 


**April 5, 2005 - 1:30 p.m.** -- Open Meeting  
Department of Environmental Quality, West Central Regional  
Office, 3019 Peters Creek Road, Roanoke, Virginia. 

**April 7, 2005 - 1:30 p.m.** -- Open Meeting  
Department of Environmental Quality, Northern Regional  
Office, 13901 Crown Court, Woodbridge, Virginia


A public meeting to receive comments on the State Water  
Control Board's notice of intent to amend the water quality  
standards regulation to address nutrient criteria for lakes.  
The NOIRA will appear in the Virginia Register on February  
21, 2005, and the comment period runs from February 21  
through April 8, 2005.

**Contact:** Jean W. Gregory, Department of Environmental  
Quality, P.O. Box 10009, Richmond, VA 23240, telephone  
(804) 698-4113, FAX (804) 698-4116, e-mail  
jwggregory@deq.virginia.gov.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


**March 9, 2005 - 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.

## INDEPENDENT

### STATE LOTTERY BOARD


† **April 6, 2005 - 9:30 a.m.** -- Open Meeting  
State Lottery Department, 900 East Main Street, 13th Floor,  
Richmond, Virginia. 

A regular meeting to conduct routine business. There will be  
an opportunity for public comment shortly after the meeting  
is convened.


**Contact:** Frank S. Ferguson, Director, Legislative and  
Regulatory Affairs, State Lottery Department, 900 E. Main St.,  
Richmond, VA 23219, telephone (804) 692-7901, FAX (804)  
692-7905, e-mail fferguson@valottery.state.va.us.

## VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY


### Disabilities Advisory Council

**April 28, 2005 - 10 a.m.** -- Open Meeting  
Virginia Office for Protection and Advocacy, 1910 Byrd  
Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the  
deaf provided upon request)

A regular meeting. Public comment is welcome and will be  
received at the beginning of the meeting. For those needing  
interpreter services or other accommodations, please  
contact Delicia (Dee) Vance by April 14, 2005.

**Contact:** Delicia (Dee) Vance, Outreach Advocate, Virginia  
Office for Protection and Advocacy, 1910 Byrd Avenue, Suite  
5, Richmond, Virginia 23230, telephone (804) 662-7099, FAX  
(804) 662-7057, toll-free (800) 552-3962, (804) 225-2042/TTY  
, e-mail delicia.vance@vopa.virginia.gov.

## VIRGINIA RETIREMENT SYSTEM

**March 23, 2005 - 11 a.m.** -- Open Meeting  
**May 18, 2005 - 11 a.m.** -- Open Meeting  
Bank of America, 1111 East Main Street, Virginia Retirement  
System Investment Department, Pavilion, 4th Floor,  
Richmond, Virginia. 

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# Calendar of Events

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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 phenderson@vrs.state.va.us.

**March 24, 2005 - 9 a.m.** -- Open Meeting

**May 19, 2005 - 9 a.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main 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.

**May 17, 2005 - Noon** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.

**Contact:** 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.

**May 18, 2005 - 2:30 p.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the following committees:

2:30 p.m. - Benefits and Actuarial

4 p.m. - Audit and Compliance

4 p.m. - Administration and Personnel

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.

† **June 1, 2005 - 8 a.m.** -- Open Meeting

Location to be determined at a later date. ♿

Board of Trustees annual retreat.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### March 8

Agriculture and Consumer Services, Department of  
- Virginia Bright Flue-Cured Tobacco Board  
Contractors, Board for  
† Funeral Directors and Embalmers, Board of  
† Higher Education for Virginia, State Council of  
Medical Assistance Services, Board of  
† Optometry, Board of  
† Research and Technology Advisory Commission, Virginia Resources Authority, Virginia

#### March 9

Information Technologies Agency, Virginia  
- E-911 Wireless Services Board  
† Mental Health, Mental Retardation and Substance Abuse Services, Department of  
- Virginia Interagency Coordinating Council  
Veterans Services, Department of  
- Veterans Services Foundation  
Waterworks and Wastewater Works Operators, Board for

#### March 10

Agriculture and Consumer Services, Department of  
- Virginia Soybean Board  
† Cemetery Board  
Contractors, Board for  
† Environmental Quality, Department of  
† Pharmacy, Board of  
Real Estate Board  
Water Control Board, State

#### March 11

Child Fatality Review Team, State  
† George Mason University  
Health, Department of  
- Virginia Early Hearing Detection and Intervention Program Advisory Committee  
Housing and Community Development, Department of  
† Medicine, Board of  
Military Institute, Virginia

#### March 12

Blind and Vision and Impaired, Department for the  
- Vocational Rehabilitation Council for the Blind  
† Medicine, Board of

#### March 14

† Alcoholic Beverage Control Board  
Library Board, State  
Local Government, Commission on  
Motor Vehicle Dealer Board  
Nursing, Board of  
Rehabilitative Services, Department of  
- State Rehabilitation Council

#### March 15

† Agriculture and Consumer Services, Department of  
- Virginia Dark-Fired Tobacco Board  
Contractors, Board for  
Corrections, Board of  
Environmental Quality, Department of  
† Funeral Directors and Embalmers, Board of  
† Housing Development Authority, Virginia

Nursing, Board of  
Water Control Board, State

## March 16

Aging, Commonwealth Council on  
Community Colleges, State Board for  
Contractors, Board for  
Corrections, Board of  
† Historic Resources, Department of  
- Historic Resources Board and State Review Board  
Nursing, Board of  
People with Disabilities, Virginia Board for  
† Small Business Financing Authority, Virginia  
Social Services, State Board of  
† Tobacco Settlement Foundation, Virginia  
† Transportation Board, Commonwealth  
Treasury Board

## March 17

Agriculture and Consumer Services, Board of  
Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Community Colleges, State Board for  
Criminal Justice Services Board  
Design-Build/Construction Management Review Team  
Housing and Community Development, Board of  
Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Nursing, Board of  
People with Disabilities, Virginia Board for  
† Soil and Water Conservation Board, Virginia  
† Transportation Board, Commonwealth

## March 18

† Agriculture and Consumer Services, Department of  
- Virginia Peanut Board  
Correctional Education, Board of  
† Environmental Quality, Department of  
Dentistry, Board of  
† Housing and Community Development, Department of  
- State Building Code Technical Review Board

## March 19

Conservation and Recreation, Department of  
- Virginia Cave Board

## March 21

† Chesapeake Bay Local Assistance Board  
Education, Department of  
- Advisory Board on Teacher Education and Licensure  
† Environmental Quality, Department of  
Hearing Aid Specialists, Board for  
Old Dominion University

## March 22

Alzheimer's Disease and Related Disorders Commission  
Contractors, Board for  
Criminal Justice Services Board  
- Private Security Services Advisory Board  
† Environmental Quality, Department of  
Health Professions, Department of  
- Prescription Monitoring Program Advisory Committee  
Marine Resources Commission  
† Pharmacy, Board of

## March 23

Compensation Board  
Education, Board of

† Higher Education Tuition Trust Fund, Virginia  
- Virginia College Savings Plan Board  
† Jamestown-Yorktown Foundation  
Medical Assistance Services, Department of  
† Medicine, Board of  
Real Estate Board  
Recycling Markets Development Council  
Retirement System, Virginia  
† Soil and Water Conservation Board, Virginia

## March 24

† Contractors, Board for  
Game and Inland Fisheries, Board of  
Real Estate Board  
Retirement System, Virginia

## March 25

Dentistry, Board of  
† Education, Board of

## March 28

† Alcoholic Beverage Control Board  
Veterans Services, Department of  
- Board of Veterans Services

## March 31

Arts, Virginia Commission for the  
Water Control Board, State

## April 1

Art and Architectural Review Board

## April 4

Barbers and Cosmetology, Board for  
Old Dominion University

## April 5

† Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board  
† Contractors, Board for  
Medicine, Board  
- Advisory Board of Occupational Therapy  
- Advisory Board on Respiratory Care  
Museum of Fine Arts, Virginia  
Nursing, Board of  
Water Control Board, State

## April 6

† Lottery Board, State  
Medicine, Board of  
- Advisory Board on Acupuncture  
- Advisory Board on Radiologic Technology  
Nursing, Board of  
† Real Estate Board  
† Sewage Handling and Disposal Appeal Review Board

## April 7

† Contractors, Board for  
Medicine, Board of  
- Advisory Board on Athletic Training  
- Advisory Board on Physician Assistants  
† Outdoors Foundation, Virginia  
† Real Estate Board  
Water Control Board, State

## April 8

† Environmental Quality, Department of

## April 11

† Alcoholic Beverage Control Board  
Forestry, Board of  
Nursing, Board of

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# Calendar of Events

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**April 12**

Blind and Vision Impaired, Board for the  
Funeral Directors and Embalmers, Board of  
Nursing, Board of  
Psychology, Board of  
† Resources Authority, Virginia

**April 13**

Nursing and Medicine, Joint Boards of

**April 14**

Education, Department of  
- State Special Education Advisory Committee  
† Military Bases, Virginia Commission on

**April 15**

Education, Department of  
- State Special Education Advisory Committee  
Opticians, Board for

**April 18**

Education, Department of  
- Advisory Board on Teacher Education and Licensure

**April 19**

Contractors, Board for  
Nursing, Board of

**April 20**

Education, Board of  
Geology, Board for  
† Nursing Home Administrators, Board of  
Real Estate Appraiser Board

**April 21**

† Contractors, Board for  
Design-Build/Construction Management Review Team  
Education, Board of  
† Pesticide Control Board

**April 22**

Accountancy, Board of  
† Medical Assistance Services, Department of  
Medicine, Board of  
Physical Therapy, Board of

**April 25**

† Alcoholic Beverage Control Board

**April 28**

† Environmental Quality, Department of  
Protection and Advocacy, Virginia Office for  
- Disabilities Advisory Council

**May 3**

Funeral Directors and Embalmers, Board of  
Museum of Fine Arts, Virginia  
Real Estate Appraiser Board

**May 4**

Deaf and Hard-of-Hearing, Department for the  
† Jamestown-Yorktown Foundation

**May 6**

Art and Architectural Review Board

**May 9**

† Alcoholic Beverage Control Board

**May 10**

Funeral Directors and Embalmers, Board of

**May 12**

Criminal Justice Services Board

**May 13**

Child Fatality Review Team, State

**May 16**

Nursing, Board of

Old Dominion University

**May 17**

Corrections, Board of  
Nursing, Board of  
† Research and Technology Advisory Commission, Virginia  
Retirement System, Virginia

**May 18**

Asbestos, Lead, and Home Inspectors, Virginia Board for  
Community Colleges, State Board for  
Corrections, Board of  
Medical Assistance Services, Department of  
Nursing, Board of  
Real Estate Board  
Retirement System, Virginia

**May 19**

Audiology and Speech-Language Pathology, Board of  
Community Colleges, State Board for  
Design-Build/Construction Management Review Board  
† Jamestown-Yorktown Foundation  
Nursing, Board of  
Real Estate Board  
Retirement System, Virginia

**May 20**

† Jamestown-Yorktown Foundation  
Medicine, Board of

**May 23**

† Alcoholic Beverage Control Board

**May 24**

† Environmental Quality, Department of

**May 25**

† Contractors, Board for  
† Education, Board of

**June 1**

† Retirement System, Virginia

**June 2**

† Counseling, Board of  
† Polygraph Examiners Advisory Board

**June 3**

† Art and Architectural Review Board  
† Counseling, Board of

**June 6**

† Alcoholic Beverage Control Board  
† Criminal Justice Services Board

**June 7**

† Alzheimer's Disease and Related Disorders Commission  
† Charitable Gaming Board  
† Contractors, Board for  
† Funeral and Directors and Embalmers, Board of  
† Nursing, Board of  
† Pharmacy, Board of

**June 8**

† Jamestown-Yorktown Foundation  
† Nursing, Board of

## PUBLIC HEARINGS

**March 7**

Air Pollution Control Board, State  
Water Control Board, State

**March 17**

Housing and Community Development, Board of  
Water Control Board, State

**March 21**

Water Control Board, State

**March 22**

Water Control Board, State

**March 23**

Water Control Board, State

**April 12**

Health, State Board of

**April 22**

Accountancy, Board of

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# Calendar of Events

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