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**Title 10. Finance and Financial Institutions**

10 VAC 5-100-10 | Repealed | 21:6 VA.R. 630 | 6/30/05 |
10 VAC 5-100-20 | Repealed | 21:6 VA.R. 630 | 6/30/05 |
10 VAC 5-100-30 | Repealed | 21:6 VA.R. 630 | 6/30/05 |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 |

**Title 11. Gaming**

11 VAC 10-20-200 | Amended | 20:25 VA.R. 3083 | 7/28/04-7/27/05 |
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 | -- |

**Title 12. Health**

12 VAC 5-90-10 emer | Amended | 21:6 VA.R. 699 | 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 5-90-120 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 |

* 30 days after publication of notice of EPA approval.
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### Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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**Title 13. Housing**

| 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 |

**Title 14. Insurance**

| 14 VAC 5-90-10 through 14 VAC 5-90-50 | Amended | 20:25 VA.R. 3090-3091 | 8/4/04 |
| 14 VAC 5-90-55 | 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 |

**Title 16. Labor and Employment**

<p>| 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 25-90-1910.268 | 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 |</p>
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Virginia Register of Regulations

1982
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<td>21:3 VA.R. 330</td>
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Title 8. Education

State Board of Education

† 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 amending regulations entitled 8 VAC 20-21, Licensure Regulations for School Personnel. The purpose of the proposed action is to revise the regulations based on federal and state legislation as well as to address recommendations to clarify and change requirements for licensure.

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


Public comments may be submitted until April 20, 2005.

Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or e-mail margaret.roberts@doe.virginia.gov.

† 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 amending regulations entitled 8 VAC 20-131, Regulations Establishing Standards for Accrediting Public Schools in Virginia. The purpose of the proposed action is to conduct a comprehensive review of the regulations to determine if there are changes that might be needed now that most Virginia schools are fully accredited, and the first high school class required to earn verified units of credit has graduated from high school. Section 22.1-253.13:3 of the Code of Virginia requires the Board of Education to establish standards for accreditation. The regulations were last amended in 2000. Since that time, public schools in Virginia have implemented more rigorous requirements for accountability both at the school level and the student level.

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


Public comments may be submitted until April 20, 2005.

Contact: Anne Wescott, Assistant Superintendent, Office of Policy and Communications, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or e-mail anne.wescott@doe.virginia.gov.

† 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 amending regulations entitled 8 VAC 20-520, Regulations Governing Reduction of State Aid When Length of School Term Below 180 School Days. The purpose of the proposed action is to conform the regulations to state law. The 2004 Virginia General Assembly passed HB 575, HB 1256 and SB 452 that amended § 22.1-98 of the Code and made the changes effective from passage of the bills. HB 1256 and SB 452 clarify the schedule of makeup days and circumstances in which approval may be granted so that state basic aid funding will not be reduced because of school closings due to severe weather conditions or other emergency situations. HB 575 permits the Board of Education to waive the requirement that school divisions compensate for school closings resulting from a declared state of emergency.

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


Public comments may be submitted until April 25, 2005.

Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or e-mail margaret.roberts@doe.virginia.gov.

† 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 amending regulations entitled 8 VAC 20-541, Regulations Governing Approved Programs for Virginia Institutions of Higher Education. The purpose of the proposed action is to include a review of endorsement programs and competencies set forth by the licensure regulations, clarify that institutions must provide evidence that demonstrates that the competencies are met, and make any needed revisions to the procedures as the review process is implemented and participating individuals and organizations provide feedback.

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

Notices of Intended Regulatory Action

Public comments may be submitted until April 25, 2005.

Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or e-mail margaret.roberts@doe.virginia.gov.

VA.R. Doc. No. R05-143; Filed March 1, 2005, 2:38 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.


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.

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 20-700, 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.


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.

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 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 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.


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.

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 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.

 Notices of Intended Regulatory Action

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.

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.


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.

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

### STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE 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 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: §§ 37.1-84.1 of the Code of Virginia.

Public comments may be submitted until April 22, 2005.

**Contact:** Margaret Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Bldg., 1220 Bank St., 13th Floor, Richmond, VA 23219, telephone 804-786-2008, FAX 804-371-2308, or e-mail margaret.walsh@co.dhmhrsas.virginia.gov.

VA.R. Doc. No. R05-146; Filed March 2, 2005, 9:52 a.m.

### 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 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: §§ 37.1-84.1 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.

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

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Virginia Register of Regulations

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TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

REGISTRAR’S NOTICE: The State Air Pollution Control Board is claiming exemptions from §§ 2.2-4007, 2.2-4013, 2.2-4014 and 2.2-4015 of the Administrative Process Act. Sections 2.2-4007 M, 2.2-4013 E, 2.2-4014 D and 2.2-4015 C of the Administrative Process Act provide that these sections shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.


Public Hearing Date: April 20, 2005 - 6:30 p.m.

Public comments may be submitted until 5 p.m. on May 5, 2005.

Agency Contact: Robert Mann, Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510, or e-mail ramann@deq.virginia.gov.

Summary:

The regulation grants a variance that allows the International Paper Company to comply with the variance and an associated federally enforceable state operating permit as an alternate demonstration of compliance with provisions of the regulations of the board pertaining to new source review and new source control technology review for the Franklin Paper Mill. The variance establishes emission caps that limit the sitewide emissions of the Franklin Paper Mill for the duration of the variance. The localities particularly affected are the Cities of Franklin and Suffolk and the County of Isle of Wight.

CHAPTER 230.
VARIANCE FOR INTERNATIONAL PAPER FRANKLIN PAPER MILL.

9 VAC 5-230-10. Applicability and designation of affected facility.

The affected facility to which the provisions of this chapter apply is the International Paper Franklin Paper Mill.


A. For the purpose of applying this chapter in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this chapter, all terms not defined herein shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10), Article 6 (9 VAC 5-80-1100 et seq.), Article 8 (9 VAC 5-80-1700 et seq.) or Article 9 (9 VAC 5-80-2000 et seq.) of Part II of 9 VAC 5-80, or commonly ascribed to them by recognized authorities, in that order of priority.

C. Terms defined.

"Control technology application" means a document that includes such information as may be required by the department to determine the effect of the proposed physical or operational change on the ambient air quality and to determine compliance with the emission standards that are applicable. The information required shall include, but is not limited to, the following:

1. Company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and name of plant site manager or contact or both.


3. All emissions of regulated air pollutants.

a. An application shall describe all emissions of regulated air pollutants emitted from any emissions unit or group of emissions units to be covered by the control technology approval.

b. Emissions shall be calculated as required in a manner acceptable to the department.

c. Fugitive emissions shall be included in the application to the extent quantifiable.

4. Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

5. Information needed to determine or regulate emissions as follows: fuels, fuel use, raw materials, production rates, loading rates, and operating schedules.

6. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

7. Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated air pollutants at the source.

8. Calculations on which the information in subdivisions 3 through 7 of this subsection are based. Any calculations shall include sufficient detail to allow assessment of the validity of such calculations.
9. Any additional information or documentation that the department deems necessary to review and analyze the air pollution aspects of the physical or operational change, including the submission of measured air quality data at the proposed site prior to construction of the physical or operational change. Such measurements shall be accomplished using procedures acceptable to the department.

"Department" means the Department of Environmental Quality, an agency of the Commonwealth described in § 10.1-1183 of the Code of Virginia.

"Emissions caps" means the sitewide limitations on the rate of emissions of air pollutants established and identified as emissions caps in 9 VAC 5-230-40 A. This limitation on the annual emissions of a pollutant, expressed in tons per year, is derived from emissions factors and quantification methods believed to be accurate at the time of adoption of this chapter. Emissions attributed to the emissions caps shall include fugitive emissions to the extent quantifiable, and emissions resulting from startup, shutdown and malfunction conditions.

"EPA" means the United States Environmental Protection Agency.


"VAC" or "9 VAC" means Title 9 of the Virginia Administrative Code. This title comprises the environmental regulations for the Commonwealth of Virginia, including the regulations of the board.

"Variance" means this chapter.

9 VAC 5-230-30. Authority to operate under this chapter and FESOP.

A. International Paper may operate under the provisions of this chapter and the FESOP:

1. Provided that International Paper has not administratively appealed the FESOP or filed a notice of appeal for judicial review during the period within which such appeals must be filed; and

2. International Paper has (i) provided written notification to the department that it accepts and will operate under the provisions of this chapter and the FESOP and (ii) received written confirmation of receipt by the department.

B. In no case may International Paper operate under the provisions of this chapter and the FESOP prior to [the initial effective date of this chapter].

9 VAC 5-230-40. Sitewide emissions caps.

A. On or after the date that International Paper is granted authority to operate under the provisions of this chapter and the FESOP, no owner or other person shall cause or permit to be discharged into the atmosphere from the affected facility any emissions in excess of the sitewide emissions caps set forth in subdivisions 1 through 10 of this subsection.

1. For particulate matter (PM), the emissions cap shall be 1166 tpy.

2. For particulate matter (PM10), the emissions cap shall be 804 tpy.

3. For sulfur dioxide (SO2), the emissions cap shall be 7900 tpy.

4. For oxides of nitrogen (NOx), the emissions cap shall be 3000 tpy.

5. For carbon monoxide (CO), the emissions cap shall be 2574 tpy.

6. For volatile organic compounds (VOCs), the emissions cap shall be 694 tpy.

7. For total reduced sulfur (TRS), the emissions cap shall be 223 tpy.

8. For lead, the emissions cap shall be 0.135 tpy.

9. For sulfuric acid mist (H2SO4), the emissions cap shall be 100 tpy.

10. For fluorides, the emissions cap shall be 20.4 tpy.

B. Compliance with the emission caps set forth in subsection A of this section shall be based on a 12 month rolling sum.
C. If International Paper becomes subject to future regulations, International Paper may not use the emissions credits obtained from the associated emissions reductions to comply with the emissions caps.

9 VAC 5-240-60. New Source Review Program and registration requirements.

A. This section applies in lieu of certain regulatory requirements for the pollutants for which an emissions cap is established. This section is not intended to provide an alternate method of compliance for any future regulatory requirements, including those that are designed to address particulate matter with aerodynamic diameter less than or equal to a nominal 2.5 microns (PM$_{2.5}$) or ozone or both.

B. For the pollutants for which an emissions cap is established, compliance with this chapter and the FESOP shall constitute compliance with the following provisions of the SAPCB regulations:

1. 9 VAC 5 Chapter 50, Part II, Article 4 (9 VAC 5-50-240 et seq.).
2. 9 VAC 5 Chapter 80, Part II, Article 6 (9 VAC 5-80-1100 et seq.).
3. 9 VAC 5 Chapter 80, Part II, Article 8 (9 VAC 5-80-1700 et seq.).
4. 9 VAC 5 Chapter 80, Part II, Article 9 (9 VAC 5-80-2000 et seq.).

C. For any modifications that would otherwise be subject to the minor NSR program and result in an increase in hazardous air pollutant emissions, International Paper will calculate and maintain records demonstrating that the emissions will not exceed the significant ambient air concentration for that pollutant as defined in Articles 4 (9 VAC 5-60-200 et seq.) and 5 (9 VAC 5-60-300 et seq.) of 9 VAC 5 Chapter 60.

D. For any physical or operational change that would otherwise be subject to the major NSR program, International Paper shall submit a control technology application to and shall obtain approval thereof from the department that the control technology to be installed meets the applicable requirements of Article 4 (9 VAC 5-50-240 et seq.) of Part II of 9 VAC 5 Chapter 50. International Paper shall install emission controls that are consistent with the approval. International Paper may begin and complete actual construction of the physical or operational change prior to receiving approval from the department if each of the following conditions is met:

1. International Paper has submitted an approvable control technology application for the physical or operational change with a notice of intent to begin actual construction of the physical or operational change.
2. International Paper has submitted a certification that it (i) freely assumes all financial and other risks associated with beginning actual construction of the physical or operational change prior to receiving the control technology approval and (ii) acknowledges that the department, in evaluating the application, may not consider any consequences to the applicant of beginning actual construction prior to receiving the control technology approval.

3. The department has not, within 30 days of receipt of the application, issued a written notice to International Paper, based on concerns about air quality impacts or emissions control technology, requiring the termination of construction as soon as practicable but no later than five business days after receipt of the notice.

4. International Paper constructs the physical or operational change as described in the control technology application.

5. International Paper does not commence operation of the physical or operational change until the control technology approval has been granted.

E. If the department has not, within 60 days of receipt of the control technology application submitted in accordance with subsection D of this section, issued a written notice to International Paper either approving or objecting to the construction of the physical or operational change, the control technology application may be deemed granted.

F. All new source review permit program permits that have been issued to the affected facility prior to [the effective date of this chapter] are rescinded. All terms and conditions not related to the unit-specific emission limitations that were established to limit the potential to emit for the affected units in order to avoid otherwise applicable requirements are included in the FESOP. The permits that are rescinded include, but are not limited to, the following:

4. Paper Machine permit dated 7/5/2001; and

9 VAC 5-240-60. Other regulatory requirements.

A. Compliance with other regulations shall be as follows:

1. International Paper shall comply with the requirements of 40 CFR Part 63 except where alternative requirements have been established as provided in 40 CFR 63.99 (a) (46) (iii) (69 FR 19943, April 15, 2004), in which case International Paper shall comply with the permit terms and conditions setting forth the alternative requirements.
2. International Paper shall comply with all other regulations of the board except as provided in this chapter.
3. Compliance with this chapter and the terms and conditions of the FESOP shall not relieve International Paper of its obligation to comply with applicable local, state or federal laws and regulations not addressed in this chapter.

B. International Paper may not engage in any emissions trading beyond that allowed under a program approved by the board. No emissions credits obtained from emissions...
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reductions external to the affected facility may be used to comply with the emissions caps.

9 VAC 5-230-70. Federal operating permits.

A. International Paper shall be subject to the provisions of 9 VAC 5 Chapter 80, Part II, Article 1 (9 VAC 5-80-50 et seq.) except that the FESOP and documentation submitted in obtaining the FESOP are deemed sufficient for the permit application requirements pertaining to the applicable requirements in the FESOP. For applicable requirements outside of the FESOP, International Paper shall submit information on standard forms provided by the department, or in accordance with instructions accompanying those forms, or as otherwise acceptable to the department.

B. International Paper shall be subject to the provisions of 9 VAC 5 Chapter 80, Part II, Article 2 (9 VAC 5-80-310 et seq.) and shall provide the department with emissions inventory update information sufficient to allow the department to assess permit program fees.

9 VAC 5-230-80. FESOP issuance and amendments.

A. The department may issue a FESOP under the provisions of Article 5 (9 VAC 5-80-800 et seq.) of Part II of 9 VAC 5 Chapter 80 to implement the provisions of this chapter. The FESOP shall include terms and conditions concerning monitoring, recordkeeping and reporting as may be necessary to ensure compliance with the emissions caps and may include such other terms and conditions as the department may determine are necessary to implement the provisions of this chapter.

B. The department shall issue the initial FESOP in accordance with the procedures set forth in the order. The department shall amend the FESOP in accordance with the procedures set forth in subsections C through E of this section. The department shall specify within the FESOP the conditions for public participation consistent with the provisions of this chapter.

C. The department shall provide for public participation prior to issuing the FESOP. At a minimum, the department shall:

1. Make available for public inspection in at least one location in the area of the site the information submitted by International Paper, the department's analysis of the effect on air quality including the preliminary determination, and a copy or summary of any other materials considered in making the preliminary determination;

2. Notify the public, by advertisement in a newspaper of general circulation in the area of the site of the application, of the location of the information available for public inspection as specified in subdivision 1 of this subsection, and of the opportunity for comment at a public hearing as well as written public comment;

3. Provide a 30-day period for submittal of public comment;

4. Send a copy of the notice of public comment to the following: the EPA Administrator, through the appropriate regional office; any affected other state or local air pollution control agency; the chief executives of the city and county where the site is located; any state, federal land manager, or other governing body whose lands may be affected by emissions from the site; and

5. Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the site, the control technology required, and other appropriate considerations.

D. Upon request of the department, the public notice required under subdivision C 2 of this section shall be placed by International Paper in at least one newspaper of general circulation in the area of the site of the application. The notice shall be approved by the department and shall include information as the department deems appropriate.

E. For any change that does not meet the criteria for an administrative permit amendment established in subdivision F 1 of this section, the department shall provide an opportunity for public participation consistent with the provisions of subsection C of this section prior to processing the permit amendment.

F. The following provisions govern administrative permit amendments:

1. An administrative permit amendment is a permit revision that:

   a. Corrects typographical errors;

   b. Identifies a change in the name, address, or phone number of any person identified in the FESOP, or provides a similar minor administrative change at the site;

   c. Requires more frequent monitoring, recordkeeping, or reporting by the permittee;

   d. Allows for a change in ownership or operational control of a source where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the department;

   e. Changes the monitoring, recordkeeping, or reporting requirements for equipment that has been shutdown or is no longer in service; or

   f. Any other change that is stipulated in the FESOP as qualifying as an administrative permit amendment, provided that the permit condition that includes such stipulation has already undergone public participation in accordance with subsection C of this section.

2. The department may make an administrative permit amendment consistent with the following procedures:

   a. The department shall take final action on any request for an administrative permit amendment within 60 days from receipt of the request, and may incorporate such changes without providing notice to the public, provided that the department designates any such permit revisions as having been made pursuant to this subdivision.

   b. The department shall submit a copy of the revised permit to the EPA Administrator.
9 VAC 5-230-90. Transfer of ownership.

A. The terms of this chapter and the FESOP are transferable to a new owner upon a change of ownership of the site in accordance with provisions specified by the FESOP.

B. In the case of a transfer of ownership of the site, the new owner shall comply with this chapter and the FESOP. The new owner shall notify the department of the change in ownership within 30 days of the transfer and shall request an administrative amendment to the FESOP as provided in 9 VAC 5-230-80 F.

C. In the case of a name change of the site, the owner shall comply with this chapter and the FESOP. The owner shall notify the department of the change in source name within 30 days of the name change and shall request an administrative amendment to the FESOP as provided in 9 VAC 5-230-80 F.

9 VAC 5-230-100. Applicability of future regulation amendments.

Subsequent amendments to the SAPCB regulations cited in 9 VAC 5-230-50 to which this chapter provides relief shall not apply to the Franklin Paper Mill unless and until the board amends this chapter to specifically address the applicability of the regulatory amendments to the facility.

9 VAC 5-230-110. Termination of authority to operate under this chapter and FESOP.

A. Authority to operate under this chapter and the FESOP may be terminated as provided below upon written notice for any of the following reasons:

1. If the department determines that continuation of the permit is an imminent and substantial endangerment to the public health or welfare or the environment.

2. If International Paper knowingly falsifies emissions data.

3. If any of the emissions caps are exceeded.

4. For any other reasons not specified here for which the department has legal authority to terminate the authority to operate under this chapter and the FESOP.

B. Notifications of termination will be provided as follows:

1. If the department finds cause to terminate the authority to operate under this chapter or the FESOP, the department will submit notification to International Paper in writing.

2. Within 30 days of receiving this notification International Paper may take corrective action to remedy the cause of the termination. If this remedy is deemed acceptable by the department, the action to terminate the authority to operate under this chapter and the FESOP shall be withdrawn. Otherwise the authority to operate under this chapter and the FESOP shall be terminated.

3. If the authority to operate under this chapter and the FESOP is terminated for any reason, International Paper shall submit an appropriate application for applicable new source review program permits and a new application for a federal operating permit. During the interim period, International Paper shall comply with the requirements of this chapter, the FESOP and the current federal operating permit until the new permit is issued.

9 VAC 5-230-120. Review and confirmation of this chapter by board.

A. Within four years of the effective date of this chapter, the department shall perform an analysis of this chapter and provide the board with a report on the results. The analysis shall include any recommendations for amendment to or repeal of this chapter based on (i) the needs of the Commonwealth's overall air quality management strategy; (ii) current state and federal statutory and regulatory requirements; (iii) an assessment of the effectiveness of this chapter; (iv) a reevaluation of the appropriateness of the emissions caps, including the need for increasing or decreasing the emission caps; and (v) any other factors the department may determine are necessary to include for consideration in review of this chapter. The department shall also include a recommendation for reapportionment of emissions in the event of the repeal of this chapter.

B. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter, or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

C. The authority of International Paper to operate under the provisions of this chapter and the FESOP shall be terminated upon the effective date of the repeal of this chapter.

D. For purposes of applying subsequent amendments to, or the repeal of, the provisions of this chapter, the effective date of any subsequent amendments adopted by the board shall be the date 30 days after the date on which a notice is published in the Virginia Register acknowledging that the administrator has approved the amendments adopted by the board following the requirements of 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

VA.R. Doc. No. R05-137; Filed March 1, 2005, 10:57 a.m.
FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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


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

Effective Date: March 1, 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) specify that only vessels approved for safe harbor may possess more than the possession limit of summer flounder and specify that buyers may only purchase or accept summer flounder from these vessels if the commissioner approves a transfer of quota from another jurisdiction; (ii) allow the jurisdiction licensing the vessel requesting safe harbor to transfer flounder quota to Virginia in the amount that corresponds to that vessel’s possession limit with the approval of the commissioner to accept that transfer of quota; (iii) change the minimum size limit of the recreational summer flounder from 17 inches to 16-1/2 inches for all Virginia waters except the Potomac River tributaries to Virginia, wherein the minimum size limit shall correspond to that limit set by the Potomac River Fisheries Commission for the mainstem Potomac River; (iv) establish the possession limit for the Potomac River tributaries to correspond with the limit set by the Potomac River Fisheries Commission for the mainstem Potomac River; and (v) eliminate the closed period of January 1 through March 28 and establish a year-round recreational fishing season.


A. From January 1 through the day preceding the fourth Monday in January, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia’s waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

B. From the fourth Monday in January through March 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of 12,500 pounds.

2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the fourth Monday in January.

3. Land in Virginia more than a total of 12,500 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the fourth Monday in January.

C. When it is projected and announced that 85% of the quota for the period from the first Monday in January through March 31 has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

D. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia’s waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

E. From July 1 through the day preceding the last Monday in October of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia’s waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 12,500 pounds.

F. From the last Monday in October through December 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of 10,000 pounds.

2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the last Monday in October.
3. Land in Virginia more than a total of 10,000 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the last Monday in October.

G. For each of the time periods set forth in subsections A, B, C, D, E and F of this section, the Marine Resources Commission will give timely notice of any changes in possession limits.

H. Each possession limit described in subsections A, B, C, D, E and F of this section shall be determined by the net weight of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The net weight of any Summer Flounder found in excess of this possession limit described in subsections A, B, C, D, E and F of this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit shall be in violation of this chapter, unless that vessel has requested and been granted safe harbor. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter, except as described by subsection K of this section. A buyer or processor may accept or buy Summer Flounder from a vessel that has secured safe harbor, provided that vessel has satisfied the requirements described in subsection K of this section.

I. If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

J. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading Summer Flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel and its captain and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed Summer Flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of Summer Flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

K. Any boat or vessel possessing more than the lawful limit of Summer Flounder when the state that licenses that vessel requests to transfer quota to Virginia, in the amount that corresponds to that vessel’s possession limit, and the commissioner agrees to accept that transfer of quota.

L. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.


A. The minimum size for Summer Flounder harvested by commercial fishing gear shall be 14 inches, total length.

B. The minimum size of Summer Flounder harvested by recreational fishing gear, including but not limited to hook and line, rod and reel, spear and gig, shall be 12 16-1/2 inches, total length, except that the minimum size of Summer Flounder harvested in the Potomac River tributaries shall be 16 inches total length the same as established by the Potomac River Fisheries Commission for the mainstem Potomac River.

C. Length shall be measured in a straight line from tip of nose to tip of tail.

D. It shall be unlawful for any person to possess any Summer Flounder smaller than the designated minimum size limit.

E. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia that were legally harvested in the Potomac River.

4 VAC 20-620-60. Possession limit.

A. It shall be unlawful for any person fishing in any tidal waters of Virginia, except the Potomac River tributaries, with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess more than six Summer Flounder. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by six. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any Summer Flounder taken after the possession limit has been reached shall be returned to the water immediately.

B. It shall be unlawful for any person fishing in the Potomac River tributaries with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess more than three Summer Flounder than the possession limit established by the Potomac River Fisheries Commission for the mainstem Potomac River. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by three the possession limit established by the Potomac River Fisheries Commission for the mainstem Potomac River. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any Summer Flounder taken after the possession limit has been reached shall be returned to the water immediately.

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C. Possession of any quantity of Summer Flounder that exceeds the possession limit described in subsections A and B of this section shall be presumed to be for commercial purposes.

4 VAC 20-620-70. Recreational fishing season.
A. The recreational fishing season for the Chesapeake Bay and its tributaries shall be closed from January 1 through March 28 open year-round.
B. The recreational fishing season for the Potomac River tributaries shall be open year-round the same as established by the Potomac River Fisheries Commission for the maintenance Potomac River.
C. It shall be unlawful for any person fishing recreationally to take, catch, or possess any Summer Flounder during any closed recreational fishing season.
D. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia that were legally harvested in the Potomac River.

VA.R. Doc. No. R05-140; Filed March 1, 2005, 2:14 p.m.


Effective Date: March 1, 2005.

Agency Contact: Kathy Leonard, Administrative and Program Specialist, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120, FAX (757) 247-8101, e-mail kathy.leonard@mrc.virginia.gov.

Summary:
The amendments (i) establish the boundary line at the mouth of the Nansemond River for the James River Hand Scrape Area; (ii) eliminate the three-inch spacing of the teeth for the standard oyster dredge; and (iii) extend the public oyster harvest season for the Rappahannock River Hand Scrape Area, Rappahannock River Drumming Ground Hand Scrape Area, Rappahannock River Temples Bay Hand Scrape Area, and Thomas Rock Hand Scrape Area through March 31, 2005.

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

"Blackberry Hangs Hand Scrape Area" means the area in Public Ground No. 118 in the Upper Chesapeake Bay, south from the Smith Point Light to the Great Wicomico Light.

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

"Deep Water Shoal State Replenishment Seed Area (DWS)" in the James River (574.66 Acres) means the areas beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, north 302,380.00, east 2,542,360.00; thence north azimuth 30°49'59", 4,506.99 feet to Corner 2, north 306,150.00, east 2,544,670.00; thence north azimuth 135°08'57", 5,430.60 feet to Corner 3, north 302,300.00, east 2,548,500.00; thence north azimuth 212°13'54", 3,487.42 feet to Corner 4, north 299,350.00, east 2,546,640.00; thence north azimuth 269°10'16", 2,765.29 feet to Corner 5, north 299,310.00, east 2,543,875.00; thence north azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning.

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

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

"James River Hand Scrape Area" means that area those public oyster grounds of the James River west of the Monitor and Merrimac Bridge Tunnel and northeast of the Mills E. Godwin/Nansemond River Bridge (Route 17) to the James River Bridge (Route 17).

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

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

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

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

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

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

"Standard oyster dredge" means any device or instrument having a maximum weight of 150 pounds with attachments, maximum width of 50 inches; and maximum tooth length of four inches, and minimum tooth spacing of three inches.

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

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

"Thomas Rock Hand Scrape Area" means an area in the James River with an eastern boundary being the James River, Route 17 bridge and a western boundary being a line drawn from the south side of the river at Rainbow Farm Point; thence to the channel buoy green #5; and thence to Blunt Point on the north side of the river.

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

"York River Hand Scrape Area" means an area above the Route 17 or Coleman Bridge in Public Ground No. 30, along the north side of the river, to just above Aberdeen Creek.

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

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

4. That area of the Rappahannock River, west of the line drawn from Tarpley Point to green buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (PRV6A to PRV6B); and PRV5A to PRV5C, respectively); that area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur); that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; that area of the Piankatank River, west of the Route 3 bridge; and Little Wicomico River: October 15, 2004, through January 15, 2005.
5. The following areas of the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, excluding the Tangier Sound Hand Tong Areas: December 1, 2004, through February 28, 2005.

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

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

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except those areas listed in 4 VAC 20-720-40, are closed: October 1, 2004, through September 30, 2005.
4. That area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; the Rappahannock...
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River Hand Scrape; the Rappahannock River Drumming Ground Handscape Area; the Rappahannock River Temples Bay Hand Scrape Area; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Piankatank River west of the Route 3 bridge; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; and Little Wicomico River: October 1, 2004, through October 14, 2004, and January 16, 2005, through September 30, 2005. The Rappahannock River Hand Scrape Area, the Rappahannock River Temples Bay Hand Scrape Area, and the Rappahannock River Drumming Ground Hand Scrape Area: October 1, 2004, through October 14, 2004, and January 16, 2005, through January 31, 2005, and April 1, 2005, through September 30, 2005.

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


V.A.R. Doc. No. R05-138; Filed March 1, 2005, 10:50 a.m.

6 VAC 20-180-10. Definitions.

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

"Agency administrator" means any chief of police, sheriff, or any agency head of [a] local or, state, or [or] federal law enforcement [agency] and college or university law-enforcement agencies sworn under § 23-232.1 of the Code of Virginia.

"Crime prevention services" means providing for the anticipation, recognition, and appraisal of a crime risk and the initiation of an activity to remove or reduce the opportunity for crime.

"Department" means the Department of Criminal Justice Services.

"Employee" means any sworn or civilian individual, including auxiliaries, reserve-deputies, and volunteers employed by a local or, state law enforcement, or federal government agency [, or college or university in the Commonwealth of Virginia].

"General law-enforcement instructor" means an individual who has complied with all of the applicable standards for certification or recertification, whichever applies, contained in 6 VAC 20-80-10, and is eligible to instruct, teach or lecture approved or mandated training.

"Law-enforcement "Local, state or federal government agency" means any government agency political unit or identifiable subunit [through] which an individual or body that governs, exercises its authority, performs its functions, and which has as its principal duty or duties the prevention, detection, and investigation of crime; the apprehension, detection, and prosecution of alleged offenders administration of public policy.


The duties of [a] crime prevention [specialist specialists] are:

1. To provide citizens within [his their] jurisdiction information concerning personal safety and the security of...
property, and other matters relating to the reduction of
criminal opportunity.

2. To provide business establishments within [his/their]
jurisdiction information concerning business and employee
security, and other matters relating to the reduction of
criminal activity, including but not limited to, internal and
external theft, environmental design, and computer security.

3. To provide citizens and/or businesses within [his/their]
jurisdiction assistance in forming and maintaining
neighborhood and/or business watch groups and/or other
community-based crime prevention programs.

4. To provide assistance to other units of government within
[his/their] jurisdiction in developing plans and procedures
related to the reduction of criminal activity within government and the community.

5. To promote the reduction and prevention of crime within
[his/their] jurisdiction and the Commonwealth.

A. Any employee (sworn, nonsworn, or volunteer) of a local or
state, law enforcement agency, or auxiliary officer or deputy,
or federal government agency who serves in a law-enforcement, crime prevention, or criminal justice capacity is
eligible to be trained and certified as a crime prevention
specialist.

B. The agency administrator of any local or state
law enforcement or federal government agency or college or university may designate one or more employees in his
department or office who serve in a law-enforcement, crime prevention, or criminal justice capacity to be trained and
certified as a crime prevention specialist. Applicants for recertification shall be recommended by the
agency administrator or his designee. Application shall be
made on the Crime Prevention Specialist Certification
Application-Form A.

C. [All crime prevention specialist applicants provided for in
this chapter shall be approved only upon recommendation of a
law-enforcement agency having jurisdiction where the crime
prevention specialist shall serve.

D.] This chapter does not limit or prohibit the chief
executive of any local or state law enforcement or federal
government agency from assigning personnel to crime
prevention tasks who are not certified as crime prevention
specialists.

6 VAC 20-180-40. Crime prevention specialist certification
requirements.
A. The following requirements must be met/achieved to be
certified as a crime prevention specialist. The applicant shall
have:

1. Been certified as a general law-enforcement instructor
within the past five years, or successfully completed a
comparable instructor development course approved by the
department.

2. Received 40 hours of approved introductory crime
prevention training. Completion of the following compulsory
minimum training topics is required for designation as a
crime prevention specialist:
   a. Theory and Practice of Crime Prevention
   b. Neighborhood Watch
   c. Home and Business Security
   d. Security Liability
   e. Security Hardware (locks, lighting, and alarms)
   f. Personal Safety
   g. Crime Analysis Prevention Through Environmental
      Design
   h. Security Assessments

3. Received 80 hours of additional crime prevention training
within the past five years of the date of application. This
additional training must address at least two four of any of
the following topics:
   a. Crime Prevention Through Environmental Design
   b. Community Crime Prevention Planning - Policing
   c. Advanced Data Collection and Crime Analysis
   d. School Safety and Security
   e. Security Lighting
   f. Computer Security
   g. Managing Volunteers
   h. Grant and Proposal Writing
   i. Legislation, Ordinance and Regulation Development
   j. Prevention of Youth Violence
   k. Prevention of Family Violence
   l. Drug Abuse Prevention
   m. Public Speaking
   n. Media Relations
   o. Homeland Security/Terrorism Prevention
   p. White Collar Crime
   q. Identity Theft
   r. Victim Witness Services
   s. Crime Prevention for Seniors
   t. Code Enforcement/Nuisance Abatement
   u. Other topics approved by the department

4. At least three years experience in a law-enforcement,
crime prevention, or criminal justice government agency.

5. At least one year experience, within the past five years of
the date of application, in providing crime prevention
services. Such experience shall have included:
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a. Developing and maintaining Neighborhood or Business Watch groups.
b. Conducting security assessments of homes and businesses.
c. Making public presentations on home or business security and personal safety.
d. Distributing crime prevention information to the public.
e. Other experience approved by the department.

B. The department retains the right to may waive all or part of the prescribed training requirements when upon review of relevant crime prevention certifications awarded by recognized criminal justice or security organizations or by other state criminal justice agencies are provided. These certifications will be reviewed on a case-by-case basis.

Crime prevention specialist certifications awarded by organizations or other states will be reviewed on a case-by-case basis.

A. Recertification is required every three years.

B. Applicants for recertification shall be recommended by the agency administrator or his designee. Application shall be made on the Crime Prevention Specialist Recertification Application-Form B.

C. Applicants for recertification must complete 40 hours of additional crime prevention training [since after] initial designation as a crime prevention specialist. This additional training must address at least one two of the following topics:

1. Crime Prevention Through Environmental Design
2. Community Crime Prevention Planning - Policing
3. Advanced Data Collection and Crime Analysis
4. School Safety and Security
5. Security Lighting
6. Computer Security
7. Managing Volunteers
8. Grant and Proposal Writing
9. Legislation, Ordinance and Regulation Development
10. Prevention of Youth Violence
11. Prevention of Family Violence
12. Drug Abuse Prevention
13. Public Speaking
14. Media Relations
15. Homeland Security/Terrorism Prevention
16. White Collar Crime
17. Identity Theft
18. Victim Witness Services
19. Crime Prevention for Seniors
20. Code Enforcement/Nuisance Abatement
21. Other topics approved by the department

D. Individuals whose certification expires shall comply with the requirements set forth in 6 VAC 20-180-40 and meet any certification requirements in effect at that time.

E. The department retains the right to may grant an extension of the recertification time limit and requirements under the following conditions:

1. Illness or injury
2. Military service
3. Special duty required and performed in the public interest
4. Leave without pay or suspension pending investigation or adjudication of a crime
5. Any other reason documented by the agency administrator

F. Requests for extensions of the time limit must be requested prior to certification expiration.

6 VAC 20-180-60. Decertification.
A. The department may revoke crime prevention specialist certification at any time based on misrepresentation of qualifications or conviction of a crime.

B. When the holder of a crime prevention specialist certification is no longer employed by [or volunteering for] a local, state, or federal government agency [or college or university] in a law-enforcement, crime prevention, or criminal justice capacity, the certification is no longer valid.

VA.R. Doc. No. R03-232; Filed February 11, 2005, 9:17 a.m.
TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

REGISTRAR'S NOTICE: The State Board of Education is claiming an exemption from the Administrative Process Act in accordance with (i) § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved, and (ii) § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The State Board of Education will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.


Effective Date: May 2, 2005.

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

Summary:

The amendments define "business day" and clarify the term throughout the regulation. Also amended are (i) roles of the principal, superintendent, and school board; (ii) selection process of impartial third members; (iii) procedures for hearings and fact-finding; (iv) timeline for and production of evidence during the hearings; and (v) requirements for recording proceedings.

8 VAC 20-90-10. Definitions.

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

"Business day" means, in accordance with § 22.1-312 of the Code of Virginia, any day that the relevant school board office is open.

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this procedure shall be extended to the next day if it is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher within the term of such teacher's contract and the nonrenewal of a contract of a teacher on a continuing contract.

"Grievance" means, for the purpose of Part II (8 VAC 20-90-20 et seq.), a complaint or a dispute by a teacher relating to his employment, including but not necessarily limited to the application or interpretation of personnel policies, rules and regulations, ordinances, and statutes; acts of reprisal as a result of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. "Grievance" means, for the purposes of Part III (8 VAC 20-90-60 et seq.), a complaint or a dispute involving a teacher relating to his employment involving dismissal or placing on probation. The term "grievance" shall not include a complaint or dispute by a teacher relating to the establishment and revision of wages or salaries, position classifications or general benefits; suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations; failure to promote; or discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in a particular subject, abolition of a particular subject, insufficient funding; hiring, transfer, assignment and retention of teachers within the school division; suspension from duties in emergencies; or the methods, means and personnel by which the school division's operations are to be carried on. While these management rights are reserved to the school board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the school board is grievable.

"Personnel file" means, for the purposes of Part III (8 VAC 20-90-60 et seq.), any and all memoranda, entries or other documents included in the teacher's file as maintained in the central school administration office or in any file on regarding the teacher maintained within a school in which the teacher serves.

"Probation" means a period not to exceed one year during which time it shall be the duty of the teacher to remedy those deficiencies which give rise to the probationary status.

"Teacher" or "teachers" means, for the purposes of Part II (8 VAC 20-90-20 et seq.), all employees of the school division involved in classroom instruction and all other full-time employees of the school division except those employees classified as supervising employees. "Teacher" means, for the purposes of Part III (8 VAC 20-90-60 et seq.), all regularly certified professional public school personnel employed under a written contract as provided by § 22.1-302 of the Code of Virginia, by any school division as a teacher or supervisor of classroom teachers but excluding all superintendents.

"Shall file," "shall respond in writing," or "shall serve written notice" means the document is either delivered personally to the grievant or office of the proper school board representative or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure.

"Supervisory employee" means any person having authority in the interest of the board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to recommend any action set forth in clause (i), (ii), or (iii) above; provided that the authority to act as set forth in clause (i), (ii), (iii), or (iv)
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requires the exercise of independent judgment and is not merely routine and clerical in nature.

"Written grievance appeal" means a written or typed statement describing the event or action complained of, or the date of the event or action, and a concise description of those policies, procedures, regulations, ordinances or statutes upon which the teacher bases his claim. The grievant shall specify what he expects to obtain through use of the grievance procedure. A statement shall be written upon forms prescribed by the Board of Education and supplied by the local school board.

### 8 VAC 20-90-30. Grievance procedure.

Recognizing that grievances should be begun and settled promptly, a grievance must be initiated within 15 working business days following either the event giving rise to the grievance, or within 15 working business days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

1. Step 1 - Informal. The first step shall be an informal conference between the teacher and his immediate supervisor (which may be the principal). The teacher shall state the nature of the grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2.

2. Step 2 - Principal. If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the teacher, the teacher must perfect his grievance by filing said grievance in writing within 15 working business days following the event giving rise to the grievance, or within 15 working business days following the time when the employee knew or reasonably should have known of its occurrence, specifying on the form the specific relief expected. Regardless of the outcome of Step 1, if a written grievance is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal (or his designee or both) and the teacher (or his designee or both) within five working business days of the receipt by the principal of the written grievance. At such meeting the teacher or other party involved, or both, shall be entitled to present appropriate witnesses and to be accompanied by a representative other than an attorney. The principal (or his designee or both) shall respond in writing within five working business days following such meeting.

The principal may forward to the teacher within five days from the receipt of the written grievance a written request for more specific information regarding the grievance. The teacher shall file an answer thereto within 10 working business days, and the meeting must then be held within five business days after that thereafter.

3. Step 3 - Superintendent. If the grievance is not settled to the teacher's satisfaction in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the superintendent, accompanied by the original grievance appeal form within five working business days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be held between the superintendent (or his designee or both) and the teacher (or his designee or both) at a mutually agreeable time within five working business days. At such meeting both the superintendent and the teacher shall be entitled to present witnesses and to be accompanied by a representative who may be an attorney. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the superintendent without violating the provisions of § 54.1-3904 of the Code of Virginia. If no settlement can be reached in said meeting, the superintendent (or his designee) shall respond in writing within five working business days following such meeting. The superintendent or designee may make a written request for more specific information from the teacher, but only if such was not requested in Step 2. Such request shall be answered within 10 working business days, and the meeting shall be held within five working business days of the date on which the answer was received. If the grievance is not resolved to the satisfaction of the teacher in Step 3, the teacher may elect to have a hearing by a fact-finding panel, as provided in Step 4, or after giving proper notice may request a decision by the school board pursuant to Step 5.

4. Step 4 - Fact-finding panel. In the event the grievance is not settled upon completion of Step 3, either the teacher or the school board may elect to have a hearing by a fact-finding panel prior to a decision by the school board, as provided in Step 4. If the teacher elects to proceed to Step 4, he must notify the superintendent in writing of the intention to request a fact-finding panel and enclose a copy of the original grievance form within five working business days after receipt of a Step 3 answer (or the due date of such answer). If the school board elects to proceed to a fact-finding panel, the superintendent must serve written notice of the board's intention upon the grievant within 15 working business days after the answer provided by Step 3.

a. Panel. Within five working business days after the receipt by the division superintendent of the request for a fact-finding panel, the teacher and the division superintendent shall each select one panel member from among the employees of the school division other than an individual involved in any previous phase of the grievance procedure as a supervisor, witness, or representative. The two panel members so selected shall within five working business days of their selection select a third impartial panel member.

b. Selection of impartial third member. In the event that both panel members are unable to agree upon a third panel member within five working business days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five qualified and impartial individuals from which one individual shall be selected by the two members of the panel to serve as the third member. The individuals named by the chief judge may reside either within or outside the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and in all cases shall possess some knowledge and expertise in public education and education law and shall be deemed...
by the judge capable of presiding over an administrative hearing. Within five business days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by alternately deleting names from the list until only one remains. The panel member selected by the teacher shall make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. Panel members shall not be parties to, or witnesses to, the matter grieved. With the agreement of the teacher’s and division superintendent’s panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

The Attorney General shall represent personally or through one of his assistants any third impartial panel member who shall be made a defendant in any civil action arising out of any matter connected with his duties as a panel member. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal representation to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General and be paid out of the funds appropriated for the administration of the Department of Education.

c. Holding of hearing. The hearing shall be held by the panel within 30 calendar business days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the division superintendent and the teacher. The teacher and the division superintendent each may have present at the hearing and be represented at all stages by a representative or legal counsel.

d. Procedure for fact-finding panel.

(1) The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.

(2) The panel may ask, at the beginning of the hearing, for statements from the division superintendent and the teacher clarifying the issues involved at the beginning of the hearing and at the discretion of the panel may allow closing statements.

(3) The parties shall then present their claims in and evidence. Witnesses may be questioned by the panel members, or by the teacher and the division superintendent, or their representative. The panel may, in its discretion, may vary this procedure, but shall afford a full and equal opportunity for all parties to present any material or relevant evidence and shall afford the parties the right of cross-examination.

(4) The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel may shall be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.

(5) Exhibits offered by the teacher of the division superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

(6) The finding of facts found and recommendations made by the panel shall be based exclusively upon the evidence presented at the hearing and the panel’s recommendations shall be arrived at by a majority vote of the panel members.

(7) On its own motion or upon application of the teacher or division superintendent, The hearing may be reopened by the panel, on its own motion or upon application of the teacher or the division superintendent, for good cause shown, at any time to hear after-discovered evidence at any time before its final the panel’s report is delivered made.

(8) The panel shall make a written report which shall include its findings of fact and recommendations, and shall file it with the members of the school board, the division superintendent, and the teacher, not later than 30 business days after the completion of the hearing.

(9) A stenographic record or tape recording of the proceedings shall be taken of the proceedings. However, in proceedings concerning grievances not related to dismissal or probation, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with the two parties shall share equally the cost of the recording. If either party requests a transcript, that party shall bear the expense involved in preparing it of its preparation.

In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

(10) The recommendations and findings of fact of the panel submitted to the school board shall be based exclusively upon the evidence presented to the panel at the hearing. No panel member shall conduct an independent investigation involving the matter grieved.

e. Expenses.

(1) The teacher shall bear his own expenses. The school board shall bear the expenses of the division superintendent. The expenses of the panel shall be borne one half by the school board and one half by the teacher.

(2) The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it
shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his normal working business hours if he receives his normal salary for the period of such service.

(3) Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

f. Right to further hearings. Following a hearing by a fact-finding panel, the teacher shall not have the right to a further hearing by the school board as provided in subdivision E-3 5 c of this section. The school board shall have the right to require a further hearing in any grievance proceeding as provided in subdivision E-3 5 c of this section.

5. Step 5 - Decision by the school board.

a. If a teacher elects to proceed directly to a determination before the school board as provided for in Step 5, he must notify the superintendent in writing of the intention to appeal directly to the board, of the grievance alleged, and the relief sought within five working business days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice, the school board may elect to have a hearing before a fact-finding panel, as indicated in Step 4, by filing a written notice of such intention with the teacher within 10 working business days of the deadline for the teacher's request for a determination by the school board.

b. In the case of a hearing before a fact-finding panel, the school board shall give the grievant its written decision within 30 days after the school board receives both the transcript of such hearing, if any, and the panel's finding of fact and recommendations unless the school board proceeds to a hearing under subdivision 5 c of this section. The decision of the school board shall be reached after considering the transcript, if any; the findings of fact and recommendations of the panel; and such further evidence as the school board may receive at any further hearing which the school board elects to conduct.

c. In any case in which a hearing before a fact-finding panel is held in accordance with Step 4, the local school board may conduct a further hearing before such school board.

(1) The local school board shall initiate such hearing by sending written notice of its intention to the teacher and the division superintendent within 10 days after receipt by the board of the findings of fact and recommendations of the fact-finding panel and any transcript of the panel hearing. Such notice shall be provided upon forms to be prescribed by the Board of Education and shall specify each matter to be inquired into by the school board.

(2) In any case where such further hearing is held by a school board after a hearing before the fact-finding panel, the school board shall consider at such further hearing the transcript, if any; the findings and recommendations of the fact-finding panel; and such further evidence including, but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the school board deems may be appropriate or as may be offered on behalf of the grievant or the administration.

(3) The further hearing before the school board shall be set within 30 days of the initiation of such hearing, and the teacher must be given at least 15 days written notice of the date, place, and time of the hearing. The teacher and the division superintendent may be represented by legal counsel or other representatives. The hearing before the school board shall be private, unless the teacher requests a public hearing. The school board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the school board.

The school board's attorney, assistants, or representative, if he, or they, represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative, and the superintendent, may join the school board in executive session to assist in the writing of the decision.

A stenographic record or tape recording of the proceedings shall be taken. However, in proceedings concerning grievances not related to dismissal or probation, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally, and if either party requests a transcript, that party shall bear the expense of its preparation.

In the case of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to the expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

(4) The decision of the school board shall be based solely on the transcript, if any; the findings of fact and recommendations of the fact-finding panel; and any
Subsequent to the reduction of the grievance to writing and request. Such determination of grievability shall be made within 10 business days of receipt by the clerk of such notice to the other party upon a form to be prescribed by the school board, or before a fact-finding panel as hereinafter set forth.

2. During such 15-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed, or acted upon by the school board except as provided for herein.

3. At the request of the teacher, the superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311 or § 22.1-312 of the Code of Virginia, the division superintendent shall provide, within 10 days of the request, the teacher, or his representative, with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within 10 days of the request of the division superintendent, the teacher, or his representative, shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later that may be used in the respective parties’ cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

B. Fact-finding panel. Within 15 days after the teacher receives the notice referred to in subdivision A 1 of this section, either the teacher, or the school board, by written notice to the other party upon a form to be prescribed by the Board of Education, may elect to have a hearing before a fact-finding panel prior to any decision by the school board.

1. Panel. Within five working business days after the receipt by the division superintendent of the request for a fact-finding panel, the teacher and the division superintendent shall each select one panel member from among the employees of the school division other than an individual involved in the recommendation of dismissal or placing on any controversy as to the correctness of the record. The court may, in its discretion, receive such other evidence as the ends of justice require.

d. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered not later than 15 days from the date of the conclusion of the court's hearing.

8 VAC 20-90-70. Procedure for dismissals or placing on probation.

A. Notice to teacher of recommendation for dismissal or placing on probation.

1. In the event a division superintendent determines to recommend dismissal of any teacher, or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher on forms to be prescribed by the Board of Education notifying him of the proposed dismissal, or placing on probation, and informing the teacher that within 15 days after receiving the notice, the teacher may request a hearing before the school board, or before a fact-finding panel as hereinafter set forth.
probation as a supervisor, witness, or representative. The two panel members so selected shall within five working days of their selection, select a third impartial panel member.

2. Selection of impartial third member. In the event that both panel members are unable to agree upon a third panel member within five working days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five qualified and impartial individuals from which list one individual shall be selected by the two members of the panel as the third member. The individuals named by the chief judge may reside either within or without the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and in all cases shall possess some knowledge and expertise in public education and education law, and shall be deemed by the judge capable of presiding over an administrative hearing. Within five business days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by the panel members alternately deleting names from the list until only one remains with the panel member selected by the teacher to make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. Panel members shall not be parties to, or witnesses to, the matter grieved. With the agreement of the teacher's and division superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

The Attorney General shall represent personally or through one of his assistants any third impartial panel member who shall be made a defendant in any civil action arising out of any matter connected with his duties as a panel member. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal representation to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General and be paid out of the funds appropriated for the administration of the Department of Education.

3. Holding of hearing. The hearing shall be held by the panel within 30 calendar days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the division superintendent and the teacher. The teacher and the division superintendent each may have present at the hearing and be represented at all stages by a representative or legal counsel or another representative.

4. Procedure for fact-finding panel.

a. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.

b. The panel may ask, at the beginning of the hearing, for statements from the division superintendent and the teacher (or their representative) clarifying the issues involved at the beginning of the hearing and, at the discretion of the panel, may allow closing statements.

c. The parties shall then present their claims in and evidence. Witnesses may be questioned by the panel members, and by the teacher and the division superintendent, or their representative. However, the panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination.

d. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.

e. Exhibits offered by the teacher or the division superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

f. The facts found and recommendations made by the panel shall be arrived at by a majority vote of the panel members.

4. g. The facts found and recommendations made by and findings of fact of the panel shall be based exclusively upon the evidence presented to the panel at the hearing and such facts found and recommendations made shall be arrived at by a majority vote of the panel members. No panel member shall conduct an independent investigation involving the matter grieved.

h. The hearing may be reopened by the panel at any time before the panel's report is made upon its own motion or upon application of the teacher or the division superintendent for good cause shown to hear after-discovered evidence.

i. The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the school board, the division superintendent and the teacher, not later than 30 days after the completion of the hearing.

j. A stenographic record or tape recording of the proceedings shall be taken. However, in proceedings concerning grievances not related to dismissal or probation, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation.

In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to
both parties. The school board shall bear the expense of
the recording and the transcription.

5. Expenses.
a. The teacher shall bear his own expenses. The school
board shall bear the expenses of the division
superintendent. The expenses of the panel shall be borne
one half by the school board and one half by the teacher.
b. The parties shall set the per diem rate of the panel. If
the parties are unable to agree on the per diem, it shall be
fixed by the chief judge of the circuit court. No employee
of the school division shall receive such per diem for
service on a panel during his normal working business
hours if he receives his normal salary for the period of
such service.

6. Right to further hearing. If the school board elects to have
a hearing by a fact-finding panel on the dismissal or placing
on probation of a teacher, the teacher shall have the right to
a further hearing by the school board as provided in
subsection C of this section. The school board shall have
the right to require a further hearing as provided in
subsection C also.

7. Witnesses. Witnesses who are employees of the school
board shall be granted release time if the hearing is held
during the school day. The hearing shall be held at the
school in which most witnesses work, if feasible.

C. Hearing by school board.

1. After receipt of the notice of pending dismissal or placing
on probation described in subdivision A 1 of this section, the
teacher may request a hearing before the school board by
delivering written notice to the division superintendent within
15 days from the receipt of notice from the superintendent.
Subsequent to the hearing by a fact-finding panel under
subsection B of this section, the teacher, as permitted by
subdivision B Z 6 of this section, or the school board may
request a school board hearing by written notice to the
opposing party and the division superintendent within 10
business days after the receipt by the party initiating such
hearing of the findings of fact and recommendations made
by the fact-finding panel and the transcript of the panel
hearing. Such notice shall be provided upon a form to be
prescribed by the Board of Education and shall specify each
matter to be inquired into by the school board.

2. In any case in which a further hearing is held by a school
board after a hearing before the fact-finding panel, the
school board shall consider at such further hearing the
record, or transcript, if any, the findings of fact and
recommendations made by the fact-finding panel and such
further evidence, including, but not limited to, the testimony
of those witnesses who have previously testified before the
fact-finding panel as the school board deems may be
appropriate or as may be offered on behalf of the teacher or
the superintendent.

3. The school board hearing shall be set and conducted
within 30 days of the receipt of the teacher's notice or the
giving by the school board of its notice. The teacher shall be
given at least 15 days written notice of the date, place, and
time of the hearing and such notice shall also be provided to
the division superintendent.

4. The teacher and the division superintendent may be
represented by legal counsel or other representatives. The
hearing before the school board shall be private, unless the
teacher requests a public hearing. The school board shall
establish the rules for the conduct of any hearing before it,
and such rules shall include the opportunity for the teacher
and the division superintendent to make an opening
statement and to present all material or relevant evidence
including the testimony of witnesses and the right of all
parties to cross-examine the witnesses. Witnesses may be
questioned by the school board. The school board may hear
a recommendation for dismissal and make a determination
whether to make a recommendation to the Board of
Education regarding the teacher's license at the same
hearing or hold a separate hearing for each action.

5. A record or recording of the proceedings shall be made
and preserved for a period of six months. If either the
teacher or the school board requests that a transcript of the
record or recording be made at any time prior to expiration
of the six-month period, it shall be made and copies shall be
furnished to both parties. The board shall bear the expense
of the recording and the transcription.

6. The school board shall give the teacher its written
decision within 30 days after the completion of the hearing
before the school board.

7. The decision by the school board shall be based on the
transcript, the findings of the fact and recommendations
made by the fact-finding panel, and any evidence relevant
to the issues of the original grievance produced at the
school board hearing in the presence of each party.

The school board's attorney, assistants, or representative, if
he or they represented a participant in the prior
proceedings, the grievant, the grievant's attorney, or
representative and, notwithstanding the provisions of
§ 22.1-69 of the Code of Virginia, the superintendent shall
be excluded from any executive session of the school board
which has as its purpose reaching a decision on a
grievance. However, immediately after a decision has been
made and publicly announced, as in favor of or not in favor
of the grievant, the school board's attorney or
representative and the superintendent may join the school
board in executive session to assist in the writing of the
decision.

D. School board determination.

1. In any case in which a hearing is held before a fact-
finding panel but no further hearing before the school board
is requested by either party, the school board shall give the
teacher its written decision within 30 days after the school
board receives both the transcript of such hearing and the
panel's findings of the fact and recommendation. The
decision of the school board shall be reached after
considering the transcript, the findings of fact, and the
recommendations made by the panel.

2. The school board may dismiss, suspend, or place on
probation a teacher upon a majority vote of a quorum of the
Final Regulations

school board. In the event the school board's decision is at variance with the recommendation of the fact-finding panel, the school board's written decision shall include the rationale for the decision. The board shall be required to conduct an additional hearing, which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to subdivisions C 1 and 2 of this section, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.

FORMS

**NOTICE:** The forms used in administering 8 VAC 20-90, Procedure for Adjusting Grievances, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

- Statement of Grievance, eff. 2/05.
- Principal's Decision, eff. 2/05.
- Superintendent's Level, eff. 2/05.
- Request for Hearing (Decision to be Presented to Grievant), eff. 2/05.
- Notice of Proposed Dismissal or Proposed Placing on Probation, eff. 2/05.
- Request for Hearing (to be submitted to Superintendent), eff. 2/05.
For any Procedure for Adjusting Grievances 8VAC 20-90-10 et. seq.

Public Schools

STATEMENT OF GRIEVANCE

STEP 2 – TO BE PRESENTED TO PRINCIPAL
Name of grievant       Date filed
School/department of assignment Subject area or grade
Immediate superior and/or principal Grievant’s representative

Policy, procedure, regulation, ordinance, statute being grieved, and date you knew of reasonably should have known of its occurrence:

Statement of grievance:

Specific relief requested:

Grievant’s signature       Representative’s signature
Date                       Date

Date: February 2005
Final Regulations

Forms: Procedure for Adjusting Grievances: 8VAC 20-90-10 et. seq.

PRINCIPAL’S DECISION

STEP 2 – DECISION TO BE PRESENTED TO GRIEVANT

<table>
<thead>
<tr>
<th>Name of grievant</th>
<th>Date grievance received</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
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</tbody>
</table>

Decision of principal or designee:

I lack the authority to grant the relief requested.

<table>
<thead>
<tr>
<th>Signature of principal or designee</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Is the above decision acceptable to grievant?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check one box</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

I hereby appeal this decision to Step 3, Superintendent’s Level.

<table>
<thead>
<tr>
<th>Grievant’s signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date: February 2005
Forms: Procedure for Adjusting Grievances: 8VAC 20-90-10 et. seq.

SUPERINTENDENT'S LEVEL

**STEP 3 – DECISION TO BE PRESENTED TO GRIEVANT**

<table>
<thead>
<tr>
<th>Name of grievant</th>
<th>Date appeal received</th>
</tr>
</thead>
</table>

Decision of superintendent or designee:

---

Signature of principal or designee | Date
---|---

Is the above decision acceptable to the grievant? | Check one box
---|---
Yes | No

---

I hereby appeal this decision.

Grievant’s signature | Date
---|---

Date: February 2005
REQUEST FOR HEARING

STEP 5 – DECISION TO BE PRESENTED TO GRIEVANT

<table>
<thead>
<tr>
<th>Name of grievant</th>
<th>Date grievance filed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Check one)

__ I hereby petition the attached grievance be submitted to an advisory fact-finding hearing.

________________________ Panel Designee

__ I hereby waive my right to an advisory fact-finding hearing and petition that the following grievance be submitted to the board.

<table>
<thead>
<tr>
<th>Grievant’s signature</th>
<th>Representative’s signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Date</td>
</tr>
</tbody>
</table>

Date: February 2005
NOTIFICATION: NOTICE OF PROPOSED DISMISSAL OR PROPOSED PLACING ON PROBATION

Date

Name of teacher

School/department of assignment

(Check one)

The Division Superintendent will recommend to the School Board that you be placed on probation for the period:

(date) to (date)

At your request reasons for this recommendation will be provided to you in writing or in a personal interview.

The Division Superintendent will recommend to the School Board that you be dismissed from your position as:

(position)

At your request reasons for this recommendation will be provided to you in writing or in a personal interview.

You have 15 days from receipt of this form to request, in writing, a hearing before the School Board or an advisory fact-finding panel as provided in the procedure. Please advise me as soon as possible whether you wish to have such a hearing (see attached form). Enclosed, for your information, is a copy of the procedure.

Signature of Superintendent

Date: February 2005
REQUEST FOR HEARING

TO BE SUBMITTED TO SUPERINTENDENT

Name of teacher

Superintendent’s proposed action

_ Dismissal

_ Probation

(Check one)

_ I hereby request that I be afforded an advisory fact-finding hearing on the above referenced matter.

________________________________________
Panel Designee

_ I hereby waive my right to an advisory fact-finding hearing and request that I be afforded a hearing before the School Board on the above referenced matter.

Teacher’s signature

Representative’s signature

Date

Date

Date: February 2005

VA.R. Doc. No. R05-123; Filed February 1, 2005, 3:08 p.m.
FAST-TRACK REGULATIONS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (amending 12 VAC 30-70-301).


Public Hearing Date: N/A -- Public comments may be submitted until May 20, 2005. (See Calendar of Events section for additional information)

Effective Date: June 6, 2005.

Agency Contact: William Lessard, Provider Reimbursement Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-1680, or e-mail William.Lessard@dmas.virginia.gov.

Basis: Medicaid is authorized to make additional payments to hospitals with a disproportionate share of uncompensated care. In the 1993 OBRA statute, Congress limited DSH payments to a hospital’s uncompensated care costs from serving Medicaid and uninsured patients. State regulations mirror this limit. Beginning in 2000, Congress passed the Benefits Improvement and Protection Act (BIPA), which now permits states to temporarily increase the DSH limit to 175% of uncompensated care costs for state fiscal years 2004 and 2005. DMAS proposes to make this change for state fiscal year 2005.

Purpose: Where feasible, DMAS intends to make an extra DSH payment to UVA and/or VCU Health Systems to maximize federal revenue to the Commonwealth. VCU Health Systems and UVA are Type 1 hospitals that have a more generous DSH formula and thus could take advantage of this higher DSH limit. DMAS may not be able to make the increased payment at the desired level without an increase in the DSH limit. Making this extra DSH payment will not jeopardize DMAS’ ability to make DSH payments that it would otherwise make to public and private hospitals now or in the future. Making this extra DSH payment protects the health, safety and welfare of the citizens by maintaining access to health care for Medicaid and uninsured patients.

Rationale for Using Fast-Track Process: This regulatory action will allow DMAS to make the largest possible extra DSH payment in FY 2005 so as to maximize federal revenue. The temporary increase in the DSH limit authorized by Congress will expire at the end of FY 2005. This initiative to maximize federal revenue will not otherwise affect payments that would normally be made to either public or private providers either now or in the future. There is no emergency regulatory authority for this change, but it is not expected to be controversial.

Substance: The section of the State Plan for Medical Assistance affected by this action is 4.19-A (Methods and Standards for Establishing Payment Rates - Inpatient Services) (12 VAC 30-70-301). Federal law permits states to pay hospitals that serve a disproportionately higher Medicaid and uninsured population up to 100% of their uncompensated costs. The temporary increase in the federal DSH limit authorized by BIPA was received as a result of DSH payments. The temporary increase in the federal DSH limit allowed the Commonwealth to maximize federal revenue to the Commonwealth. This initiative to maximize federal revenue to the Commonwealth will expire at the end of FY 2005. The higher limit allows states, on a temporary basis, to make DSH payments to hospitals that serve a disproportionately higher Medicaid and uninsured populations. These additional payments are made in the form of lump sum payments, referred to as DSH payments. DSH payments are essential to maintaining access to health care for medically vulnerable populations.

Since 1993 the Act has prohibited states from paying more than 100% of the uncompensated costs of disproportionate share hospitals. Beginning in 2000, however, the Benefits Improvement and Protection Act (BIPA) permitted states to raise DSH payment levels up to 175% of uncompensated care costs for two fiscal years after 2002. This current regulatory change accomplishes this goal. Increasing the DSH limit allows the Commonwealth to maximize federal revenue received as a result of DSH payments. The temporary increase in the federal DSH limit authorized by BIPA was intended to assist states to finance their Medicaid programs. The higher limit allows states, on a temporary basis, to make higher DSH payments than it would otherwise.

The state teaching hospitals rely on Medicaid payments, including DSH, to cover the costs of providing services to Medicaid and indigent patients (indigent care needs). Based upon a recent increase in the federal DSH allotment and increases in Medicaid operating payments, DMAS has calculated that it can make additional DSH payments in FY 2005 without jeopardizing its commitment to cover the indigent care costs at the state teaching hospitals now and in the future.
Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation will temporarily increase the disproportionate share hospital payment limit for hospitals from 100% of actual uncompensated Medicaid and uninsured costs to 175% for fiscal year 2005. The increased payments will be used to claim federal matching funds to supplement the Medicaid operating budget.

Estimated economic impact. Hospitals receive disproportionate share hospital (DSH) payments from Medicaid for serving a high percentage of Medicaid and uninsured patients. DSH payments help hospitals cover their uncompensated care costs. Under the 1993 Omnibus Budget Reconciliation Act, the amount of DSH payments a hospital can receive is limited to 100% of uncompensated costs. However, in 2000, the federal government allowed states through the Benefits Improvement and Protection Act to temporarily increase the DSH payment limit up to 175% of the uncompensated care costs for public hospitals for fiscal years 2004 and 2005.

The proposed regulations will take advantage of this option and will temporarily increase the DSH payment limit for public hospitals to 175% of the uncompensated care costs for fiscal year 2005. The purpose of these regulations is to claim an additional $20 million in federal matching funds for the Medicaid program.

The Department of Medical Assistance Services (the department) plans to receive approximately $40 million from the Virginia Commonwealth University (VCU) health system. This amendment temporarily increases the disproportionate share hospital (DSH) supplemental payment limit for Medicaid hospitals. Federal law limits such payments to 100% of a hospital's actual uncompensated costs associated with services provided to Medicaid and uninsured patients. Due to a change in federal law, DMAS is permitted to make DSH payments of up to 175% of uncompensated costs in FY 2005. This regulatory change implements the increase permitted by federal statute.

12 VAC 30-70-301. Payment to disproportionate share hospitals.

A. Payments to disproportionate share hospitals (DSH) shall be prospectively determined in advance of the state fiscal year to which they apply. The payments shall be made on a quarterly basis, shall be final, and shall not be subject to settlement except when necessary due to the limit in subsection D of this section.

B. Hospitals qualifying under the 15% inpatient Medicaid utilization percentage shall receive a DSH payment based on the hospital's type and the hospital's Medicaid utilization percentage.

1. Type One hospitals shall receive a DSH payment equal to:
   a. The sum of (i) the hospital's Medicaid utilization percentage in excess of 10.5%, times 17, times the hospital's Medicaid operating reimbursement, times 1.4433 and (ii) the hospital's Medicaid utilization percentage in excess of 21%, times 17, times the utilization percentage.
hospital's Medicaid operating reimbursement, times 1.4433.

b. Multiplied by the Type One hospital DSH Factor.

The Type One hospital DSH factor shall equal a percentage that when applied to the DSH payment calculation yields a DSH payment equal to the total calculated using the methodology outlined in subdivision 1 a of this subsection using an adjustment factor of one in the calculation of operating payments rather than the adjustment factor specified in subdivision B 1 of 12 VAC 30-70-331.

2. Type Two hospitals shall receive a DSH payment equal to the sum of (i) the hospital's Medicaid utilization percentage in excess of 10.5%, times the hospital's Medicaid operating reimbursement, times 1.2074 and (ii) the hospital's Medicaid utilization percentage in excess of 21%, times the hospital's Medicaid operating reimbursement, times 1.2074.

C. Hospitals qualifying under the 25% low-income patient utilization rate shall receive a DSH payment based on the hospital's type and the hospital's low-income utilization rate.

1. Type One hospitals shall receive a DSH payment equal to the product of the hospital's low-income utilization in excess of 25%, times 17, times the hospital's Medicaid operating reimbursement.

2. Type Two hospitals shall receive a DSH payment equal to the product of the hospital's low-income utilization in excess of 25%, times the hospital's Medicaid operating reimbursement.

3. Calculation of a hospital's low-income patient utilization percentage is defined in 42 USC § 1396r-4(b)(3).

D. No DSH payments shall exceed any applicable limitations upon such payments established by federal law or regulations and OBRA 1993 §13621. For fiscal year 2005, a DSH payment shall not exceed 175% of the amount in this subsection as permitted by the Benefits Improvement and Protection Act (PL 106-554) § 701(c). A DSH payment during a fiscal year shall not exceed the sum of:

1. Medicaid allowable costs incurred during the year less Medicaid payments, net of disproportionate share payment adjustments, for services provided during the year. Costs and payments for Medicaid recipients enrolled in capitated managed care programs shall be considered Medicaid costs and payments for the purposes of this section.

2. Costs incurred in serving persons who have no insurance less payments received from those patients or from a third party on behalf of those patients. Payments made by any unit of the Commonwealth or local government to a hospital for services provided to indigent patients shall not be considered to be a source of third party payment.

E. Each hospital's eligibility for DSH payment and the amount of the DSH payment shall include days for Medicaid recipients enrolled in capitated managed care programs. In years when DSH payments are not rebased in the way described above, the previous year's amounts shall be adjusted for inflation.

1. Each hospital with a Medicaid-recognized Neonatal Intensive Care Unit (NICU), a unit having had a unique NICU operating cost limit under subdivision 6 of 12 VAC 30-70-50, shall have its DSH payment calculated separately for the NICU and for the remainder of the hospital as if the two were separate and distinct providers. This calculation shall follow the methodology provided in this section.

2. For freestanding psychiatric facilities licensed as hospitals, DSH payment shall be based on the most recently settled Medicare cost report available before the beginning of the state fiscal year for which a payment is being calculated.

VA.R. Doc. No. R05-147; Filed March 2, 2005, 11:52 a.m.
EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION


Effective Dates: March 1, 2005, through March 9, 2005.

Agency Contact: Kathy Leonard, Administrative and Program Specialist, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120, FAX (757) 247-8101 or e-mail kathy.leonard@mrc.virginia.gov.

Preamble:

This emergency chapter is promulgated pursuant to §§ 28.2-210 and 28.2-507 of the Code of Virginia and extends the public oyster harvest season for the Pocomoke and Tangier Sounds Dredge areas in 4 VAC 20-720-20, "Definitions." This emergency action was taken by the commission in an effort to allow the watermen to continue harvesting clean cull size oysters to meet the demands of the market and allow for loss of work days due to bad weather. The effective date of this emergency regulation is March 1, 2005. This emergency regulation shall terminate on March 10, 2005 at 12:00 a.m.

4 VAC 20-720-49. Extension of the public oyster harvest season for the Pocomoke and Tangier Sounds dredge areas.

A. The season for the harvesting of oysters from this area shall be extended through March 9, 2005.

B. All other applicable laws and regulations for harvesting oysters from public oyster grounds shall apply during this extended season.

Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, Post Office Box 2120, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or e-mail margaret.roberts@doe.virginia.gov.

Preamble:

The Board of Education promulgated the Regulations Governing Reduction of State Aid When Length of School Term Below 180 School Days, 8 VAC 20-520, in response to § 22.1-98 of the Code of Virginia. The most recent amendments to the regulations were effective in 1980. The 2004 Virginia General Assembly passed three bills that amended this section of the Code and made the changes effective from passage of the bills. The bills were HB 1256 (Van Landingham), SB 452 (Whipple), and HB 575 (Hamilton). HB 1256 and SB 452 clarify the schedule of makeup days and circumstances in which approval may be granted so that state basic aid funding will not be reduced because of school closings due to severe weather conditions or other emergency situations. HB 575 permits the Board of Education to waive the requirement that school divisions compensate for school closings resulting from a declared state of emergency.

HB 575 and SB 452 have emergency enactment clauses and are effective upon passage. HB 1256 and SB 452 require the Board of Education to promulgate regulations to implement the provisions to be effective within 280 days of enactment. Therefore, this emergency regulation is required by changes to the Code of Virginia.

The purpose of the emergency regulations and the subsequent permanent regulations is to clarify the schedule of makeup days and circumstances in which a waiver may be granted by the Board of Education so that state basic aid funding will be reduced because of school closings due to severe weather conditions or other emergency situations. The proposed actions also implement the legislation that permits the Board of Education to waive the requirement that school divisions compensate for school closings resulting from a declared state of emergency.

CHAPTER 520.
REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990 TEACHING HOURS.

8 VAC 20-520-5. Definitions.

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

"Declared state of emergency" means the declaration of an emergency before or after an event, by the Governor or by officials in a locality, that requires the closure of any or all schools within a school division.

"Instructional time" means the period that students are in school on a daily or annual basis as defined in the Regulations Establishing Standards for Accrediting Public Schools in Virginia, 8 VAC 20-131.
"Severe weather conditions or other emergency situations" means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.

"Teaching days" means days when instruction is provided.

"Teaching hours" means hours when instruction is provided.

8 VAC 20-520-10. Length of school term. (Repealed.)

School divisions which are forced to close more than 15 days during the school term because of severe weather, energy shortages, or power failure may be eligible for a waiver of the 180 day requirement.

Waiver of days lost beyond the first 15 is not automatic. A request must be made and evidence must be presented to indicate that every reasonable effort has been made to reschedule as many days as possible. Before approving a waiver, the state Board of Education must be satisfied that the lost time cannot be made up.

The state Board of Education will expect school divisions to exhaust every possibility for making up lost days before requesting a waiver of the 180 day requirement.

The request for waiver shall be forwarded to the Superintendent of Public Instruction after it has been approved by the local school board.

Make-up days should be the regular length, except as provided in the regulations on the length of the school day. (One day a week may be shortened to no less than four hours, exclusive of lunch, if the total number of days average at least 5 ½ hours in length.)

The first 15 days lost cannot be made up by extending the length of the school day.

Applications for waiver to be considered by the state Board of Education at its May meeting must be received by April 30 of the school year for which the waiver is requested.

8 VAC 20-520-20. Length of school term.

A. The length of every school’s term in every school division shall be a minimum of 180 teaching days or 990 teaching hours in any school year.

B. Nothing in these regulations shall prohibit a school division from exceeding the 180 teaching day or 990 teaching hour requirement in any of its schools.

8 VAC 20-520-30. Completion of teaching hours.

A. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for fewer than five days, the school or schools shall make up all missed days by adding teaching days to the school calendar or extending the length of the teaching day.

B. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for five or more days, the school or schools shall make up the missed days in accordance with § 22.1-98 of the Code of Virginia by adding teaching days to the school calendar or extending the length of the teaching day.

C. Nothing in these regulations shall preclude a school division from making up missed teaching days by providing students with additional teaching hours equivalent to such missed teaching days.


A. The Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for closings resulting from a declared state of emergency.

B. If the local school board desires a waiver for days missed as the result of a declared state of emergency, it shall submit a request for a waiver to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible.

C. The division superintendent and the chair of the local school board shall certify that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of the requirement.

D. The Board of Education authorizes the Superintendent of Public Instruction to approve, in compliance with these regulations, reductions in the school term for a school or the schools in a school division.

E. If the waiver is denied, the school division shall make up the missed instructional time in accordance with 8 VAC 20-520-30 of these regulations and § 22.1-98 of the Code of Virginia.

8 VAC 20-520-50. Funding.

A. There shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund if a local school division:

1. Completes instructional time in accordance with 8 VAC 20-520-30 and § 22.1-98 of the Code of Virginia; or

2. Obtains a waiver for closings resulting from a declared state of emergency in accordance with 8 VAC 20-520-40.

B. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to a reduction in the length of the term of any school, if the missed days are made up in accordance with 8 VAC 20-520-30, or the schools in a school division have been granted a waiver in accordance with 8 VAC 20-520-40.

8 VAC 20-520-60. Administration.

A. The Virginia Department of Education shall annually notify local school divisions of the provisions of these regulations and the Virginia Code regarding reductions in the length of the school term.

B. Local school division superintendents shall certify by April 15 of each school year that they have read and complied with these provisions and are implementing a plan for making up
Emergency Regulations

missed time that has not been waived in accordance with these regulations.

/s/ Mark R. Warner
Governor
Date: February 21, 2005

VA.R. Doc. No. R05-145; Filed March 1, 2005, 2:41 p.m.
DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program

The Department of Criminal Justice Services intends to submit an application to the Bureau of Justice Assistance of the U.S. Department of Justice to obtain federal fiscal year 2005 funding available through the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program. The application, which will be submitted no later than March 31, 2005, will request a total of $6,388,473 in federal funds, the amount we have been advised is allocated to the department in accord with the distribution formula governing the JAG program.

The department will use these funds to make grants to support local and state agency law enforcement, prosecution and judicial programs; crime prevention and education programs; corrections and community corrections programs; drug treatment programs; and planning, evaluation and technology improvement programs. Specific guidelines and instructions for agencies interested in submitting grant proposals will be issued at a later date.

The application will be available for public review at the department's offices at 805 East Broad Street, Richmond, VA 23219, and comments from the public are welcome. Inquiries should be directed to Joe Marshall at (804) 786-1577 or by e-mail to joe.marshall@dcjs.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Loads (TMDLs) for Broad Run, South Run, Kettle Run, Occoquan River (below Lake Jackson), Little Bull Run, Bull Run, and Popes Head Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the following seven watersheds: Broad Run, South Run, Kettle Run, Occoquan River (below Lake Jackson), Little Bull Run, Bull Run, and Popes Head Creek. The subject stream segments, all in the Occoquan Basin, are identified in Virginia’s 2004 305(b)/303(d) Report on Impaired Waters as impaired due to exceedances of the State’s water quality criterion for fecal coliform bacteria. South Run, Bull Run, and Popes Head Creek are also listed as impaired due to violations of the general standard for state 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) list.

The impaired stream segments are located in Fairfax, Fauquier, and Prince William counties, and their location is set forth in the table below.

<table>
<thead>
<tr>
<th>Stream</th>
<th>County/City</th>
<th>Length (mi.)</th>
<th>Impairment</th>
<th>Upstream</th>
<th>Downstream</th>
<th>Road Crossing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broad Run</td>
<td>Prince William</td>
<td>7.26</td>
<td>Bacteria</td>
<td>Confluence of Rocky Branch</td>
<td>Confluence of Cannon Branch</td>
<td>Rte. 28</td>
</tr>
<tr>
<td>Broad Run</td>
<td>Prince William</td>
<td>1.51</td>
<td>Bacteria</td>
<td>Confluence of an unnamed tributary to Broad Run</td>
<td>Start of Lake Manassas</td>
<td>Rte. 29/211</td>
</tr>
<tr>
<td>Broad Run</td>
<td>Prince William</td>
<td>1.06</td>
<td>Bacteria</td>
<td>Confluence with Mill Run</td>
<td>Confluence with Trapp Run</td>
<td>Rte. 628</td>
</tr>
<tr>
<td>Kettle Run</td>
<td>Prince William</td>
<td>7.59</td>
<td>Bacteria</td>
<td>Confluence of an unnamed tributary to Kettle Run</td>
<td>Confluence with Broad Run</td>
<td>Rte. 619</td>
</tr>
<tr>
<td>South Run</td>
<td>Fauquier, Prince William</td>
<td>2.34</td>
<td>Bacteria, benthic</td>
<td>Downstream of Lake Brittle</td>
<td>Confluence with Lake Manassas</td>
<td>Rte. 215</td>
</tr>
<tr>
<td>Occoquan River</td>
<td>Prince William</td>
<td>1.61</td>
<td>Bacteria</td>
<td>Downstream of Lake Jackson</td>
<td>Confluence of Purcell Branch</td>
<td>Rte. 234</td>
</tr>
<tr>
<td>Little Bull Run</td>
<td>Prince William</td>
<td>3.03</td>
<td>Bacteria</td>
<td>Confluence with Catharpin Creek</td>
<td>Confluence with Lick Branch</td>
<td>Rte. 705</td>
</tr>
<tr>
<td>Bull Run</td>
<td>Prince William, Fairfax</td>
<td>4.8</td>
<td>Bacteria, benthic</td>
<td>Confluence of Cub Run to Bull Run</td>
<td>Confluence with Popes Head Creek</td>
<td>Rte. 28</td>
</tr>
<tr>
<td>Popes Head Creek</td>
<td>Fairfax</td>
<td>4.92</td>
<td>Bacteria, benthic</td>
<td>Confluence of Piney Branch</td>
<td>Confluence with Bull Run</td>
<td>Rte. 645</td>
</tr>
</tbody>
</table>

The first public meetings on the development of the Occoquan Basin Streams TMDLs will be held on Wednesday, March 30, 2005, at 7 p.m. at Sully District Governmental Center, 4900 Stonecroft Blvd., Chantilly, VA; and on Tuesday, April 5, 2005, at 7 p.m. at Pennington School, 9305 Stonewall Road, Manassas, VA.

The public comment period for this first phase of the TMDL study will begin on March 30, 2005, and end on April 28, 2005. Fact sheets on the development of the TMDLs for the impairments referenced above are available upon request, or at http://www.deq.virginia.gov/tmdl/. Questions or information requests should be addressed to Kimberly Davis. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Kimberly Davis, Department of Environmental Quality Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3937, FAX (703) 583-3841, or e-mail kvdavis@deq.virginia.gov.
Total Maximum Daily Loads (TMDLs) for Carter Run, Deep Run, Great Run and Thumb Run

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of an Implementation Plan (IP) for Bacteria Total Maximum Daily Loads (TMDLs) on a 3.55 mile segment of Carter Run, 4.83 mile segment of Deep Run, 2.76 mile segment of Great Run, and 6.91 mile segment of Thumb Run. TMDLs for the Carter Run and Great Run bacteria impairments were submitted to EPA in January 2005, drafts of which can be found on DEQ’s website at http://gisweb.deq.virginia.gov/tmdlapp/tmdl_draft_reports.cfm, and their approval is pending. TMDL for the Deep Run and Thumb Run bacteria impairments were approved by EPA on 5/26/04 and 5/31/02, respectively, and can be found on DEQ’s website at http://gisweb.deq.virginia.gov/tmdlapp/tmdl_draft_reports.cfm.

The Carter Run, Deep Run and Great Run impairments are located in Fauquier County. The Deep Run impairment is located in Fauquier and Stafford County.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits and environmental impacts.

The first public meeting on the development of the IP for the Catoctin Creek fecal coliform bacteria TMDL will be held on Tuesday, April 12, 2005, at 7 p.m. in the Warrenton Community Center, located at 430 East Shirley Avenue in Warrenton, VA.

The public comment period will end on May 12, 2004. A fact sheet on the development of an IP for the TMDL for fecal coliform bacteria on Catoctin Creek is available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail bhthomas@deq.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Special Order for Concrete Precast Systems, Inc. and DuBrook Concrete, Inc. d.b.a. Adaptive Concrete Solutions

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Concrete Precast Systems, Inc. and Dubrook Concrete, Inc., d.b.a. Adaptive Concrete Solutions.

The order requires, among other things, that Adaptive Concrete Solutions (ACS) manage and store the recycled concrete appropriately, implement and maintain best management practices and comply with other requirements and special conditions of the Permit. Concrete Precast Systems, Inc. and Dubrook Concrete, Inc., d.b.a. ACS have agreed to payment of a civil charge.

On behalf of the board, the Department of Environmental Quality’s Northern Virginia Regional Office will receive written comments relating to the order through April 20, 2005. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address
Proposed Consent Special Order for DuBrook Concrete, Inc.

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to DuBrook Concrete, Inc. located in Chantilly, Virginia.

The purpose of the order is to resolve violations of the State Water Control Law and Regulations and to ensure compliance with the VPDES General Permit for Ready-Mixed Concrete Plants. Under the terms of the order, DuBrook has agreed to complete repairs and upgrades to its wastewater treatment system and to pay a civil penalty of $3,100.

On behalf of the Board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order until April 20, 2005. Please address comments to Jack Welsch, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Comments may be sent via e-mail to jwelsch@deq.virginia.gov. In order to be considered, comments must include the commenter’s name, address, and telephone number. The proposed order is available at: http://www.deq.virginia.gov/enforcement/notices.html. A copy of the proposed order can also be obtained by contacting Mr. Welsch at the above address or calling (703) 583-3854.

Proposed Special Order for Rowe Concrete, L.L.C. - King George, Stafford, Spotsylvania Plants

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Rowe Concrete, L.L.C. (permittee) regarding the King George, Stafford, and Spotsylvania Plants located in King George, Stafford, and Spotsylvania Counties, Virginia.

The order requires, among other things, that the permittee comply with the monitoring and inspection plan requirements for each respective plant in accordance with the terms of the Permit and install settling basins and a pH treatment system at the King George Plant. The permittee has agreed to payment of a civil charge.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through April 20, 2005. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to saoakes@deq.virginia.gov. In order to be considered, comments provided by e-mail must include the commenter’s name, address, and telephone number. In order to examine or to obtain a copy of the order, visit the DEQ website at www.deq.virginia.gov. You may also write, visit the Woodbridge address, or call (703) 583-3863 to obtain a copy of the order.

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

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT


Correction to Proposed Regulation:

Page 1308, in 13 VAC 5-63-110 B, lines 4 and 5, change "ASTM E329-03" to "ASTM E329-02"
STATE WATER CONTROL BOARD


Corrections to Final Regulation:

Page 1086, in 9 VAC 25-31-100 G 7 b, line 18, change the reference from "9 VAC 25-31-120 D" to "9 VAC 25-31-120 C"

Page 1086, in 9 VAC 25-31-100 G 7 b, line 32, change the reference from "9 VAC 25-31-120 C 1" to "9 VAC 25-31-120 B 1"

Page 1094, in 9 VAC 25-31-100 K, line 7, change the reference from "9 VAC 25-31-120 C 1" to 9 VAC 25-31-120 B 1"

Page 1094, in 9 VAC 25-31-100 K, line 8, delete "(except as provided by 9 VAC 25-31-120 C 1 b)"
CALENDAR OF EVENTS

Symbol Key
† Indicates entries since last publication of the Virginia Register
.ACCESSIBLE TO PERSONS WITH DISABILITIES
TTY/Voice Designation

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† Indicates entries since last publication of the Virginia Register
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NOTICE

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

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

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

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.


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.

April 22, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 
3600 West Broad Street, Room 395, Richmond, Virginia.

A regular business meeting. Public comments are welcome.

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

COMMONWEALTH COUNCIL ON AGING

† May 19, 2005 - 10 a.m. -- Open Meeting
Virginia Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments are welcome.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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.
Calendar of Events

**Virginia Marine Products Board**

† April 20, 2005 - 6 p.m. -- Open Meeting
Bill's Seafood House, Corner of Denbigh Boulevard and Route 17, Grafton, Virginia.

A meeting to (i) read and approve the minutes of the previous board meeting; (ii) report on finance, trade shows, festivals, industry tours, and calendar sales; and (iii) discuss cooperative programs with the Virginia Department of Agriculture and Consumer Services and croaker exports. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

Contact: Shirley Estes, Executive Director, Department of Agriculture and Consumer Services, 554 Denbigh Blvd., Suite B, Newport News, VA 23608, telephone (757) 874-3474, FAX (757) 886-0671, e-mail Shirley.Estes@vdacs.virginia.gov.

**STATE AIR POLLUTION CONTROL BOARD**

† April 20, 2005 - 6:30 p.m. -- Public Hearing
Paul D. Camp Community College Regional Workforce Development Center, 100 North College Drive, Franklin, Virginia.

† May 5, 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 Air Pollution Control Board intends to adopt regulations entitled 9 VAC 5-230, Variance for International Paper Franklin Paper Mill. The purpose of the proposed action is to provide relief for the IP Franklin Paper Mill from the state regulations governing new source review and to establish sitewide emission caps for particulate matter (PM and PM10), sulfur dioxide, oxides of nitrogen, carbon monoxide, volatile organic compounds, total reduced sulfur, lead, sulfuric acid mists and fluorides. The sitewide emission caps would be used as alternative means of compliance with state regulations governing new source reviews (Article 4 of Chapter 50, and Articles 6, 8 and 9 of Chapter 80).


Contact: Robert Mann, Director of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510, toll-free 1-800-592-5482 or e-mail ramann@deq.virginia.gov.

**ALCOHOLIC BEVERAGE CONTROL BOARD**

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
† June 20, 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.

**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.

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**

† March 23, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

An informal fact-finding conference.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail APELSCIDLA@dpor.virginia.gov.

† May 4, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and
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.

† May 19, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Certified Interior Designers Section to conduct board business. The meeting is open to the public; however, a portion of the board’s business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or 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.

† June 16, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the full board to conduct board business. The meeting is open to the public; however, a portion of the board’s business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD
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.
Calendar of Events

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, (804) 786-6152/TTY , or e-mail rford@comarchs.com.

VIRGINIA COMMISSION FOR THE ARTS
March 31, 2005 - 9 a.m. -- Open Meeting
Location to be determined.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
May 18, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

Contact: David E. Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-6128, (804) 367-9753/TTY , e-mail aih@dpor.virginia.gov.

AUCTIONEERS BOARD
† April 14, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

Contact: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail Auctioneers@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
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.

† April 21, 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: William H. Ferguson, II, Assistant Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (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.

BOARD FOR BRANCH PILOTS
† May 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 interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☏, e-mail branchpilots@dpor.virginia.gov.

CEMETERY BOARD
† June 8, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4 West Conference Room, Richmond, Virginia.

A meeting to discuss any and all board business.

Contact: Karen W. O’Neal, Regulatory Programs Coordinator, Cemetery Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☏, e-mail onal@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@dcg.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
March 21, 2005 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia.

A regular business meeting to review local programs.

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
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
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 ☏

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.
Calendar of Events

BOARD FOR CONTRACTORS

March 22, 2005 - 9 a.m. -- Open Meeting
March 24, 2005 - 9 a.m. -- Open Meeting
† March 29, 2005 - 9 a.m. -- Open Meeting
† March 31, 2005 - 9 a.m. -- Open Meeting
April 5, 2005 - 9 a.m. -- Open Meeting
April 7, 2005 - 9 a.m. -- Open Meeting
† April 14, 2005 - 9 a.m. -- Open Meeting
April 21, 2005 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 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.

May 17, 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.

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.

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) 662-7197/TTY ☑, e-mail 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.
CRIMINAL JUSTICE SERVICES BOARD
May 12, 2005 - 11 a.m. -- Open Meeting
† June 9, 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.

NOTE: CHANGE IN MEETING DATE
† June 9, 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.

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 25, 2005 - 9 a.m. -- Open Meeting
† April 8, 2005 - 9 a.m. -- Open Meeting
† May 13, 2005 - 9 a.m. -- Open Meeting
† May 20, 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.

† April 13, 2005 - 6:30 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting of the Regulatory/Legislative Committee to discuss regulatory/legislative issues. There will be a public comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY, e-mail sandra.reen@dhp.virginia.gov.

† April 14, 2005 - 9 a.m. -- Open Meeting
† April 15, 2005 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A formal hearing. There will not be a public comment period.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY, e-mail sandra.reen@dhp.virginia.gov.

April 15, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A regular business meeting. There will be a public comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY, or e-mail sandra.reen@dhp.virginia.gov.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD
April 21, 2005 - 11 a.m. -- Open Meeting
May 19, 2005 - 11 a.m. -- Open Meeting
† June 16, 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)
Calendar of Events

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) 786-8152/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, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail margaret.roberts@doe.virginia.gov.

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.


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.

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.

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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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...
A public hearing to receive comments concerning the technical aspects of the Roanoke Sanitary Landfill's updated groundwater monitoring plan. The public comment period closes on April 13, 2005.

Contact:  Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.virginia.gov.

‡ March 30, 2005 - 7 p.m. – Public Hearing
Buchanan County Administrator's Office, Poe Town Road, Grundy, Virginia.

A public hearing to receive comments concerning the technical aspects of the Buchanan Sanitary Landfill's updated groundwater monitoring plan. The public comment period closes on April 14, 2005.

Contact:  Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.virginia.gov.

‡ March 30, 2005 - 7 p.m. – Public Hearing
Blackstone Public Library, 415 South Main Street, Blackstone, Virginia.

A public hearing on the draft permit amendment for the Fort Pickett Landfill, Phase II Area (Permit #333), located in Nottoway County. The public comment period closes on April 15, 2005.

Contact:  Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail lwsyverson@deq.virginia.gov.

‡ March 31, 2005 - 7 p.m. – Public Hearing
Cumberland County Library, 1539 Anderson Highway, Cumberland, Virginia.

A public hearing to receive comments concerning the technical aspects of the Cumberland County Sanitary Landfill's proposed corrective action plan. The public comment period closes on April 15, 2005.

Contact:  Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.virginia.gov.

‡ March 31, 2005 - 7 p.m. – Public Hearing
Disputanta Public Library, 10010 County Drive, Disputanta, Virginia.

A public hearing to receive comment regarding the technical merits of the permit amendment to incorporate a groundwater monitoring plan for the Prince George County Landfill located in Prince George County. The public comment period closes on April 15, 2005.

Contact:  Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail lwsyverson@deq.virginia.gov.

April 8, 2005 - 10 a.m. – Open Meeting
April 28, 2005 - 10 a.m. – Open Meeting
May 24, 2005 - 10 a.m. – Open Meeting

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.
Calendar of Events

Contact: Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4032, e-mail cmharold@deq.virginia.gov.

† April 12, 2005 - 7 p.m. -- Open Meeting
Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia.

The first public meeting on the development of the implementation plan for the bacteria TMDLs for Carter, Deep, Great and Thumb Runs located in Fauquier County and Stafford County (Deep Run). The public comment period closes on May 12, 2005. The public notice appears in the March 21, 2005, issue of the Virginia Register of Regulations.

Contact: Kimberly Davis, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3937, FAX (703) 583-3841, e-mail kvdavis@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 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.


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.

April 12, 2005 - 9 a.m. -- Open Meeting
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 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.

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.

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.

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, 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 DGFIRegs@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.

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.

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.


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.

DEPARTMENT OF HEALTH

† March 25, 2005 - 10 a.m. -- Open Meeting
Virginia Association of Volunteer Rescue Squads, Oilville, Virginia.

A meeting of the Regulation and Policy Committee and the Governor’s EMS Advisory Board to review and prepare action items for EMS Advisory Board based on 2004 JLARC report regarding EMS (specific recommendations), work session.

Contact: Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7615, FAX (804) 864-7580, toll-free (800) 523-6019, e-mail michael.berg@vdh.virginia.gov.

† June 10, 2005 - 10:30 a.m. -- Open Meeting
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia.

A meeting of the Advisory Committee on the Virginia Early Hearing Detection and Intervention Program. The advisory committee will meet four times a year.

Contact: Pat T. Dewey, Program Manager, Department of Health, 109 Governor St., DCAH 8th Floor, Richmond, VA 23219, telephone (804) 864-7713, FAX (804) 864-7721, toll-free (866) 493-1090, (804) 828-1120/TTY, e-mail pat.dewey@vdh.virginia.gov.

DEPARTMENT OF HEALTH PROFESSIONS

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 plan. Public comments will be received during the meeting.
Calendar of Events

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.

† June 17, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 3, Richmond, Virginia.

A meeting of the Health Practitioners’ Intervention Program Committee.

Contact: Peggy W. Call, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, telephone (804) 662-9424, FAX (804) 662-7358, e-mail peggy.call@dhp.virginia.gov.

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.

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.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

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.

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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.

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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.


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.

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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. The purpose of the proposed action is to repeal 13 VAC 5-62 and adopt 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.

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.

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VIRGINIA INDIGENT DEFENSE COMMISSION

† March 24, 2005 - 10 a.m. -- Open Meeting
Virginia Indigent Defense Commission, 701 East Franklin Street, Suite 1416, Richmond, Virginia.

A meeting to discuss commission business.

Contact: Danita Pryor, Office Manager, Virginia Indigent Defense Commission, 701 E. Franklin St., Suite 1416, Richmond, VA 23219, telephone (804) 225-3297, FAX (804) 371-8326, e-mail dpryor@idc.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.

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.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† June 16, 2005 - 10 a.m. -- Open Meeting
Location to be announced. (Interpreter for the deaf provided upon request)

A meeting to conduct general business.

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.state.va.us.

STATE LIBRARY BOARD

† June 13, 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 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY, e-mail jtaylor@lva.lib.va.us.
Calendar of Events

LONGWOOD UNIVERSITY
† April 1, 2005 - 8:45 a.m. -- Open Meeting
Longwood University, Lancaster Hall 102, 201 High Street, Farmville, Virginia.

Meetings of the following committees to conduct routine committee business:
8:45 a.m. - University Advancement Committee
10:30 a.m. - Administration, Finance and Facilities Committee
1 p.m. - Audit Committee
1:30 p.m. - Academic and Student Affairs Committee

Contact: Jeanne Hayden, Longwood University, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, e-mail haydenjs@longwood.edu.

† April 2, 2005 - 9 a.m. -- Open Meeting
Longwood University, Lancaster Hall 102, 201 High Street, Farmville, Virginia.

A meeting of the Board of Visitors to conduct routine business.

Contact: Jeanne Hayden, Longwood University, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, e-mail haydenjs@longwood.edu.

VIRGINIA MANUFACTURED HOUSING BOARD
† April 21, 2005 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond, Virginia.

A regular meeting to address complaints and claims against licensees and carry out administrative functions under the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations.


BOARD OF MEDICAL ASSISTANCE SERVICES
† June 14, 2005 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conf. Room, Richmond, Virginia.

A quarterly meeting.

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.

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.

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MARINE RESOURCES COMMISSION
March 22, 2005 - 9:30 a.m. -- Open Meeting
† April 26, 2005 - 9:30 a.m. -- Open Meeting
† May 24, 2005 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia.

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.
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 Lubinskas, 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.lubinskas@dmas.virginia.gov.

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† May 20, 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 Care. The purpose of the proposed action is to permit DMAS to make DSH payments of up to 175% of uncompensated costs in FY 2005 as permitted under federal law.


Contact: William Lessard, Provider Reimbursement Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-1680 or e-mail William.Lessard@dmas.virginia.gov.

BOARD OF MEDICINE

March 23, 2005 - 9:15 a.m. -- Open Meeting
† April 20, 2005 - 8:45 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia

† March 29, 2005 - 8:45 a.m. -- Open Meeting
† April 6, 2005 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

† April 12, 2005 - 8:45 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia

A Special Conference Committee of the board will convene 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. Dixson, Discipline Case Manager, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, Virginia, telephone (804) 662-7002, FAX (804) 662-9517, (804) 662-7197/TTY, e-mail renee.dixson@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.

A meeting of the Legislative Committee to 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.

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.

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.

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.
Calendar of Events

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.

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.

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.

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.

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.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD
† April 13, 2005 - 2:30 p.m. -- Open Meeting
Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia.

A regular meeting.

Contact: Marlene A. Butler, Executive Secretary, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., 13th Floor Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, e-mail marlene.butler@co.dmhmrsas.virginia.gov.

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.

STATE MILK COMMISSION
† May 25, 2005 - 10:45 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Room 2063, Charlottesville, Virginia.

A regular meeting to consider industry distributor licensing, base transfers and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify Edward C. Wilson, Jr., at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Washington Bldg., 1100 Bank St., Suite 1019, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, e-mail Edward.Wilson@vdacs.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES
Medical Advisory Board
† April 13, 2005 - 8 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.

(Interpreter for the deaf provided upon request)

A general business meeting.

Virginia Register of Regulations
2038
VIRGINIA MUSEUM OF FINE ARTS

March 22, 2005 - 9 a.m. -- Open Meeting
April 5, 2005 - 8 a.m. -- Open Meeting
March 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.

June 16, 2005 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia.

A joint meeting of the Executive and Financial Oversight Committees for staff to update the committees. 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.

BOARD OF NURSING

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.


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) 662-9114, (804) 662-9114, (804) 662-7197/TTY, e-mail elaine.yeatts@dhp.virginia.gov.

May 29, 2005 - 10 a.m. -- Open Meeting
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
June 13, 2005 - 9 a.m. -- Open Meeting
June 14, 2005 - 9 a.m. -- Open Meeting

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.

May 16, 2005 - 9 a.m. -- Open Meeting
May 18, 2005 - 9 a.m. -- Open Meeting
May 19, 2005 - 9 a.m. -- Open Meeting

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.

May 17, 2005 - 9 a.m. -- Open Meeting

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.

JOINT BOARDS OF NURSING AND MEDICINE

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 23220.

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.

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, 5th Floor,
Richmond, VA 23230, telephone (804) 662-9909, FAX (804)
662-9512, (804) 662-7197/TTY , e-mail 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, telephone (804) 662-9909, FAX (804)
662-9434, (804) 662-7197/TTY , e-mail 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.

NOTE: CHANGE IN MEETING DATE
April 4, 2005 - 1 p.m. -- Open Meeting
† June 14, 2005 - 1 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk,
Virginia.

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,
 tele telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-
9753/TTY , e-mail opticians@dpor.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.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† June 13, 2005 - 10 a.m. -- Open Meeting
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.

A meeting of the Executive Committee.

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 Sandrasmalls@vbpd.virginia.gov.

† June 14, 2005 - 9 a.m. -- Open Meeting
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.
(Interpreter for the deaf provided upon request)
A quarterly board meeting.
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 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.

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.

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) 662-9943, FAX
(804) 662-9943, (804) 662-7197/TTY, e-mail
evelyn.brown@dhp.virginia.gov.
## Calendar of Events

### REAL ESTATE APPRAISER BOARD

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>† April 14, 2005</td>
<td>9 a.m.</td>
<td>Open Meeting</td>
<td>An informal fact-finding conference.</td>
</tr>
<tr>
<td>April 20, 2005</td>
<td>10 a.m.</td>
<td>Open Meeting</td>
<td>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 <a href="mailto:karen.oneal@dpor.virginia.gov">karen.oneal@dpor.virginia.gov</a>.</td>
</tr>
</tbody>
</table>

**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.

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<td>3 p.m.</td>
<td>Open Meeting</td>
<td>A meeting of the Education Committee to review education applications.</td>
</tr>
<tr>
<td>March 24, 2005</td>
<td>8:30 a.m.</td>
<td>Open Meeting</td>
<td>A meeting of the Fair Housing Committee to review fair housing cases.</td>
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**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.

### VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

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<tr>
<td>March 23, 2005</td>
<td>10 a.m.</td>
<td>Open Meeting</td>
<td>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 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.</td>
</tr>
</tbody>
</table>

**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.

### VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

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<tr>
<td>May 17, 2005</td>
<td>1 p.m.</td>
<td>Open Meeting</td>
<td>Virginia Register of Regulations</td>
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</table>

**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.

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**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.

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**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.

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<td>Open Meeting</td>
<td>Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.</td>
</tr>
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**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.
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**

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 bmcrca@vra.state.va.us.

**SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD**

April 6, 2005 - 10 a.m. -- Open Meeting

† May 18, 2005 - 10 a.m. -- Open Meeting

Henrico County Government Center, 8600 Dixon Powers Drive, Human Resource Board Room, Richmond, Virginia.

A meeting to hear appeals of health department denials of septic tank permits 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.

**STATE BOARD OF SOCIAL SERVICES**

† April 20, 2005 - 9 a.m. -- Open Meeting

† April 21, 2005 - 9 a.m. -- Open Meeting

The Law Enforcement and Judicial Complex, 245 South 4th Street, Wytheville, Virginia.

A regular meeting.

**Contact:** Pat Rengnerth, State Board Liaison, State Board 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, (600) 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.


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 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 Study 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.
Calendar of Events

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† April 20, 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: Mark N. Courtney, Executive Director, Board for Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail soilscientist@dpor.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† April 20, 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, Virginia Department of Transportation 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, FAX (804) 786-2940, e-mail Carol.Mathis@VDOT.Virginia.gov.

† April 21, 2005 - 9 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia.

A 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 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, Virginia Department of Transportation 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, FAX (804) 786-2940, e-mail Carol.Mathis@VDOT.Virginia.gov.

STATE WATER CONTROL BOARD

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.


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: jm kennedy@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.

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.

Joint Leadership Council of Veterans Service Organizations

† May 11, 2005 - 11 a.m. -- Open Meeting
Hampton Roads/Tidewater Area. Location to be determined.

A regular meeting.

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.

** ** ** ** ** **
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.


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

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 NOI/RFA 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) 698-4166, e-mail jwgregory@deq.virginia.gov.

† April 27, 2005 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the advisory committee assisting in the development of regulatory language for the reissuance/amendment of the general VPDES permit for car wash facilities.

Contact: George Cosby, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032, e-mail gecosby@deq.virginia.gov.

VIRGINIA WORKFORCE COUNCIL
† March 23, 2005 - 10 a.m. -- Open Meeting
Virginia Historical Society, 428 North Boulevard, Richmond, Virginia.

Public comments will be scheduled and limited to three minutes and a written copy of the comments is required.

Contact: Gail Robinson, Virginia Workforce Council Liaison, Virginia Workforce Council, 703 E. Main St., Room 121, Richmond, VA 23219, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY ☎, e-mail Gail.Robinson@vec.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
† March 29, 2005 - 3 p.m. -- Open Meeting
Fairfax County CSB; Pennino Building; 12011 Government Center Parkway; Room 840B Fairfax, Virginia.

A work session of the Ad Hoc Board Retreat Follow-up Committee, also known as the Board Retreat Planning Committee. No public comment will be taken. Directions to the meeting site may be found on the VOPA web-site at www.vopa.state.va.us. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi, no later than Tuesday, March 15, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5; Richmond, VA 23230, telephone (804) 692-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail general.vopa@vopa.virginia.gov.

Board for Protection and Advocacy
† April 25, 2005 - 2 p.m. -- Open Meeting
Ramada Plaza Resort; 5700 Atlantic Avenue, Virginia Beach, Virginia.

A meeting of the board Policy Committee. Public comment will be received at the beginning of the meeting. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via e-mail at lisa.shehi@vopa.virginia.gov no later than Monday, April 11, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. If interpreter services or other
Calendar of Events

A meeting of the governing board. Public comment will be received at the beginning of the meeting. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via e-mail at lisa.shehi@vopa.virginia.gov no later than Tuesday, April 12, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Directions to the meeting site can be found on the VOPA website at www.vopa.state.va.us. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than Tuesday, April 12, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail general.vopa@vopa.virginia.gov.

† April 26, 2005 - 9 a.m. -- Open Meeting
Ramada Plaza Resort; 5700 Atlantic Avenue, Virginia Beach, Virginia. Interpreter for the deaf provided upon request)

A meeting of the governing board. Public comment will be received at the beginning of the meeting. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via e-mail at lisa.shehi@vopa.virginia.gov no later than Tuesday, April 12, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Directions to the meeting site can be found on the VOPA website at www.vopa.state.va.us. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than Tuesday, April 12, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail general.vopa@vopa.virginia.gov.

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) 662-7059, FAX (804) 662-7057, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail delicia.vance@vopa.virginia.gov.

VIRGINIA RETIREMENT SYSTEM

† March 22, 2005 - 8:30 a.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia.

A special meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, or e-mail lking@vrs.state.va.us.

NOTE: CHANGE IN MEETING TIME
March 23, 2005 - 9 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.

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.

NOTE: CHANGE IN MEETING DATE
† March 23, 2005 - 1 p.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 St., 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 St., 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 Committee
4 p.m. - Audit and Compliance Committee
4 p.m. - Administration and Personnel Committee

No public comment will be received at the meetings.

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 ☎, 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.

LEGISLATIVE

SENATE COMMITTEE ON RULES

† April 5, 2005 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia

A meeting to make appointments to various commissions and boards. For questions regarding the meeting agenda, contact Ginny Edwards, Division of Legislative Services, telephone (804) 786-3591.

Contact: Patty Lung, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7450.

SMALL BUSINESS COMMISSION

† April 6, 2005 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia

A general meeting. For questions regarding the meeting agenda, contact Frank Munyan, Division of Legislative Services, at (804) 786-3591.

Contact: Patty Lung, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7450.

CHRONOLOGICAL LIST

OPEN MEETINGS

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
† Museum of Fine Arts, Virginia

March 23
Pharmacy, Board of
† Retirement System, Virginia

March 24
Contractors, Board for
Game and Inland Fisheries, Board of
† Indigent Defense Commission, Virginia
Real Estate Board

March 25
† Dentistry, Board of
† Health, Department of

March 26
Alcoholic Beverage Control Board
Veterans Services, Department of
- Board of Veterans Services

March 29
† Contractors, Board for
† Medicine, Board of
† Nursing, Board of
† Protection and Advocacy, Virginia Office for

March 31
Art, Virginia Commission for the
† Contractors, Board for
Water Control Board, State

April 1
Art and Architectural Review Board
† Longwood University

April 2
† Longwood University

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 of
- Advisory Board of Occupational Therapy
- Advisory Board on Respiratory Care
Museum of Fine Arts, Virginia
Nursing, Board of
† Rules, Senate Committee on
Water Control Board, State

April 6
Lottery Board, State
† Medicine, Board of
- Advisory Board on Acupuncture
Calendar of Events

- Advisory Board on Radiologic Technology
Nursing, Board of
Real Estate Board
Sewage Handling and Disposal Appeal Review Board
† Small Business Commission

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
† Dentistry, Board of
  Environmental Quality, Department of

April 11
Alcoholic Beverage Control Board
Forestry, Board of
Nursing, Board of

April 12
Blind and Vision Impaired, Board for the
† Environmental Quality, Department of
  Funeral Directors and Embalmers, Board of
† Medicine, Board of
  Nursing, Board of
  Psychology, Board of
  Resources Authority, Virginia

April 13
† Dentistry, Board of
† Mental Health, Mental Retardation and Substance Abuse Services Board, State
† Motor Vehicles, Department of
  - Medical Advisory Board
Nursing and Medicine, Joint Boards of

April 14
† Auctioneers Board
† Contractors, Board for
† Dentistry, Board of
Education, Department of
  - State Special Education Advisory Committee
Military Bases, Virginia Commission on
† Real Estate Appraiser Board
† Real Estate Board

April 15
† Dentistry, Board of
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
† Agriculture and Consumer Services, Department of
  - Virginia Marine Products Board
Education, Board of
Geology, Board for
† Medicine, Board of
Nursing Home Administrators, Board of
Real Estate Appraiser Board
† Social Services, State Board of
† Soil Scientists and Wetland Professionals, Board for Professional
† Transportation Board, Commonwealth

April 21
† Barbers and Cosmetology, Board for
  Contractors, Board for
  Design-Build/Construction Management Review Team
Education, Board of
† Manufactured Housing Board, Virginia
Pesticide Control Board
† Real Estate Board
† Social Services, State Board of
† Transportation Board, Commonwealth

April 22
Accountancy, Board of
Medical Assistance Services, Department of
Medicine, Board of
Physical Therapy, Board of

April 25
Alcoholic Beverage Control Board
† Protection and Advocacy, Board for

April 26
† Marine Resources Commission
† Protection and Advocacy, Board for

April 27
† Water Control Board, State

April 28
Environmental Quality, Department of
Protection and Advocacy, Virginia Office for
  - Disabilities Advisory Council

May 2
† Branch Pilots, Board for

May 3
Funeral Directors and Embalmers, Board of
† Museum of Fine Arts, Virginia
Real Estate Appraiser Board

May 4
† Architects, Professional Engineers, Land Surveyors,
  Certified Interior Designers and Landscape Architects,
  Board for
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
† Architects, Professional Engineers, Land Surveyors,
  Certified Interior Designers and Landscape Architects,
  Board for
Funeral Directors and Embalmers, Board of

May 11
† Veterans Services, Department of
  - Joint Leadership Council of Veterans Service Organizations

May 12
† Architects, Professional Engineers, Land Surveyors,
  Certified Interior Designers and Landscape Architects,
  Board for
Criminal Justice Services Board
Calendar of Events

May 13
Child Fatality Review Team, State
† Dentistry, Board of

May 16
Nursing, Board of
Old Dominion University

May 17
† Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for 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
† Sewage Handling and Disposal Appeal Review Board

May 19
† Aging, Commonwealth Council on
† Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for 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
† Dentistry, Board of Jamestown-Yorktown Foundation Medicine, Board of

May 23
Alcoholic Beverage Control Board

May 24
Environmental Quality, Department of
† Marine Resources Commission

May 25
Contractors, Board for Education, Board of
† Milk Commission, State

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

June 7
Alzheimer's Disease and Related Disorders Commission Charitable Gaming Board Contractors, Board for Funer ad Directors and Embalmers, Board of Nursing, Board of Pharmacy, Board of

June 8
† Cemetery Board Jamestown-Yorktown Foundation Nursing, Board of

June 9
† Criminal Justice Services Board

June 10
† Health, Department of

June 13
† Library Board, State
† Nursing, Board of
† People with Disabilities, Virginia Board for

June 14
† Medical Assistance Services, Board of
† Nursing, Board of
† Old Dominion University
† People with Disabilities, Virginia Board for

June 16
† Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for Design-Build/Construction Management Review Board † Labor and Industry, Department of - Virginia Apprenticeship Council † Museum of Fine Arts, Virginia

June 17
† Health Professions, Department of - Health Practitioners' Intervention Program Committee

June 20
† Alcoholic Beverage Control Board

PUBLIC HEARINGS

March 21
Water Control Board, State
March 22
Water Control Board, State
March 23
Water Control Board, State
March 28
† Environmental Quality, Department of
March 29
† Environmental Quality, Department of
March 30
† Environmental Quality, Department of
March 31
† Environmental Quality, Department of

April 12
Health, State Board of
April 20
† Air Pollution Control Board, State
April 22
Accountancy, Board of
Calendar of Events