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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2005 VAC Supplement includes final regulations published through *Virginia Register* Volume 21, Issue 24, dated August 8, 2005). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 55-20-320	Amended	22:8 VA.R. 1174	3/15/06
Title 2. Agriculture			
2 VAC 5-20-10 through 2 VAC 5-20-40	Amended	22:11 VA.R. 1761-1764	3/10/06
Title 4. Conservation and Natural Resources			
4 VAC 3-10-10	Amended	22:5 VA.R. 706	12/14/05
4 VAC 3-10-20	Amended	22:5 VA.R. 707	12/14/05
4 VAC 3-10-30	Amended	22:5 VA.R. 707	12/14/05
4 VAC 3-10-40	Repealed	22:5 VA.R. 709	12/14/05
4 VAC 5-15-10	Amended	22:7 VA.R. 1000	1/11/06
4 VAC 5-15-40	Amended	22:7 VA.R. 1004	1/11/06
4 VAC 5-15-60	Amended	22:7 VA.R. 1004	1/11/06
4 VAC 5-15-80	Amended	22:7 VA.R. 1005	1/11/06
4 VAC 5-15-100	Amended	22:7 VA.R. 1005	1/11/06
4 VAC 5-15-110	Amended	22:7 VA.R. 1006	1/11/06
4 VAC 5-15-130	Repealed	22:7 VA.R. 1006	1/11/06
4 VAC 5-15-140	Amended	22:7 VA.R. 1006	1/11/06
4 VAC 5-15-150	Amended	22:7 VA.R. 1008	1/11/06
4 VAC 5-36-10	Amended	22:9 VA.R. 1367	2/8/06
4 VAC 5-36-20	Amended	22:9 VA.R. 1367	2/8/06
4 VAC 5-36-40 through 4 VAC 5-36-160	Amended	22:9 VA.R. 1367-1383	2/8/06
4 VAC 5-36-180 through 4 VAC 5-36-210	Amended	22:9 VA.R. 1384-1395	2/8/06
4 VAC 15-20-210	Added	22:6 VA.R. 888	1/1/06
4 VAC 15-30-40	Amended	22:6 VA.R. 888	12/1/05
4 VAC 15-90-293	Amended	22:6 VA.R. 891	11/1/05
4 VAC 15-380-70	Amended	22:6 VA.R. 891	3/1/06
4 VAC 15-380-71	Added	22:6 VA.R. 892	3/1/06
4 VAC 15-430-60	Amended	22:6 VA.R. 892	3/1/06
4 VAC 15-430-160	Amended	22:6 VA.R. 892	3/1/06
4 VAC 20-20-20	Amended	22:8 VA.R. 1183	12/1/05-12/30/05
4 VAC 20-20-20	Amended	22:10 VA.R. 1551	12/22/05
4 VAC 20-20-50	Amended	22:8 VA.R. 1183	12/1/05-12/30/05
4 VAC 20-20-50	Amended	22:10 VA.R. 1551	12/22/05
4 VAC 20-20-50 emer	Amended	22:10 VA.R. 1682	12/28/05-1/27/06
4 VAC 20-70-30	Amended	22:4 VA.R. 575	12/1/05
4 VAC 20-70-70	Amended	22:4 VA.R. 575	12/1/05
4 VAC 20-70-140	Amended	22:4 VA.R. 576	12/1/05
4 VAC 20-80-30	Amended	21:25 VA.R. 3469	7/29/05
4 VAC 20-110-60	Amended	22:4 VA.R. 576	12/1/05
4 VAC 20-150-60	Amended	22:4 VA.R. 576	12/1/05
4 VAC 20-230-30	Amended	22:4 VA.R. 576	12/1/05
4 VAC 20-230-50	Amended	22:4 VA.R. 576	12/1/05
4 VAC 20-252-30 emer	Amended	22:4 VA.R. 627	9/29/05-10/28/05
4 VAC 20-252-30	Amended	22:7 VA.R. 1013	11/14/05
4 VAC 20-252-90	Amended	22:1 VA.R. 81	9/1/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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4 VAC 20-252-100	Amended	22:1 VA.R. 81	9/1/05
4 VAC 20-252-135	Amended	22:7 VA.R. 1013	11/14/05
4 VAC 20-252-160	Amended	22:7 VA.R. 1014	11/14/05
4 VAC 20-270-30	Amended	21:25 VA.R. 3469	7/29/05
4 VAC 20-310-15	Added	22:4 VA.R. 582	10/1/05
4 VAC 20-310-20	Amended	22:4 VA.R. 582	10/1/05
4 VAC 20-310-40	Amended	22:4 VA.R. 583	10/1/05
4 VAC 20-310-50	Amended	22:4 VA.R. 583	10/1/05
4 VAC 20-490-20	Amended	22:8 VA.R. 1113	12/1/05
4 VAC 20-490-40	Amended	22:8 VA.R. 1114	12/1/05
4 VAC 20-490-41	Added	22:8 VA.R. 1115	12/1/05
4 VAC 20-490-42	Added	22:8 VA.R. 1115	12/1/05
4 VAC 20-490-43	Added	22:8 VA.R. 1115	12/1/05
4 VAC 20-490-50	Amended	22:8 VA.R. 1115	12/1/05
4 VAC 20-490-60	Repealed	22:8 VA.R. 1115	12/1/05
4 VAC 20-566-10 through 4 VAC 20-566-50 emer	Added	21:25 VA.R. 3552	8/16/05-9/14/05
4 VAC 20-566-10 through 4 VAC 20-566-50	Added	22:1 VA.R. 81-82	9/15/05
4 VAC 20-610-40	Amended	22:4 VA.R. 576	12/1/05
4 VAC 20-610-50	Amended	22:4 VA.R. 577	12/1/05
4 VAC 20-650-10 through 4 VAC 20-650-40 emer	Amended	22:4 VA.R. 628	10/1/05-10/30/05
4 VAC 20-650-20	Amended	22:6 VA.R. 893	10/28/05
4 VAC 20-670-20	Amended	22:4 VA.R. 577	12/1/05
4 VAC 20-670-30	Amended	21:25 VA.R. 3470	7/29/05
4 VAC 20-670-50	Amended	21:25 VA.R. 3470	7/29/05
4 VAC 20-720-20	Amended	22:4 VA.R. 584	10/1/05
4 VAC 20-720-40	Amended	22:4 VA.R. 585	10/1/05
4 VAC 20-720-40	Amended	22:10 VA.R. 1552	1/1/06
4 VAC 20-720-50	Amended	22:4 VA.R. 586	10/1/05
4 VAC 20-720-50	Amended	22:10 VA.R. 1552	1/1/06
4 VAC 20-720-60	Amended	22:4 VA.R. 586	10/1/05
4 VAC 20-720-70	Amended	22:4 VA.R. 586	10/1/05
4 VAC 20-720-70	Amended	22:8 VA.R. 1184	12/1/05-12/30/05
4 VAC 20-720-70	Amended	22:10 VA.R. 1553	1/1/06
4 VAC 20-720-75	Amended	22:4 VA.R. 587	10/1/05
4 VAC 20-720-75	Amended	22:10 VA.R. 1553	1/1/06
4 VAC 20-720-80	Amended	22:4 VA.R. 587	10/1/05
4 VAC 20-720-100	Amended	22:4 VA.R. 587	10/1/05
4 VAC 20-730-20	Repealed	22:4 VA.R. 577	12/1/05
4 VAC 20-751-20	Amended	22:6 VA.R. 893	11/1/05
4 VAC 20-890-25	Amended	22:4 VA.R. 577	12/1/05
4 VAC 20-900-25	Amended	22:10 VA.R. 1553	12/22/05
4 VAC 20-900-30	Amended	22:4 VA.R. 578	12/1/05
4 VAC 20-900-30	Amended	22:10 VA.R. 1554	12/22/05
4 VAC 20-910-45	Amended	22:8 VA.R. 1184	12/1/05-12/30/05
4 VAC 20-910-45	Amended	22:10 VA.R. 1555	12/30/05
4 VAC 20-920-30	Amended	22:4 VA.R. 578	12/1/05
4 VAC 20-920-40	Amended	22:4 VA.R. 578	12/1/05
4 VAC 20-950-46 emer	Amended	22:4 VA.R. 628	10/1/05-10/30/05
4 VAC 20-950-46	Amended	22:6 VA.R. 894	11/1/05
4 VAC 20-950-47 emer	Amended	22:10 VA.R. 1682	1/1/06-1/30/06
4 VAC 20-950-48 emer	Amended	22:4 VA.R. 629	10/1/05-10/30/05
4 VAC 20-950-48	Amended	22:6 VA.R. 894	11/1/05
4 VAC 20-950-48 emer	Amended	22:10 VA.R. 1683	1/1/06-1/30/06
4 VAC 20-950-48.2 emer	Added	22:4 VA.R. 629	10/1/05-10/30/05
4 VAC 20-950-48.2	Added	22:6 VA.R. 895	11/1/05
4 VAC 20-950-49 emer	Amended	22:4 VA.R. 630	10/1/05-10/30/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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4 VAC 20-950-49	Amended	22:6 VA.R. 895	11/1/05
4 VAC 20-1040-20	Amended	22:10 VA.R. 1555	1/1/06
4 VAC 20-1090-10 through 4 VAC 20-1090-40	Added	22:4 VA.R. 579-582	12/1/05
4 VAC 20-1090	Erratum	22:8 VA.R. 1198	--
4 VAC 25-10-90	Added	22:6 VA.R. 896	12/28/05
4 VAC 25-20 (Forms)	Amended	22:5 VA.R. 720	--
4 VAC 25-130-816.11	Amended	21:26 VA.R. 3706	8/10/05-8/9/06
4 VAC 25-130-816.64	Amended	21:26 VA.R. 3707	8/10/05-8/9/06
Title 6. Criminal Justice and Corrections			
6 VAC 20-190-10 through 6 VAC 20-190-200	Repealed	22:10 VA.R. 1556-1559	2/22/06
6 VAC 20-210-10 through 6 VAC 20-210-110	Repealed	22:10 VA.R. 1561-1562	2/22/06
6 VAC 20-220-20 through 6 VAC 20-220-80	Repealed	22:10 VA.R. 1559-1560	2/22/06
6 VAC 20-230-10 through 6 VAC 20-230-350	Added	21:26 VA.R. 3680-3691	10/5/05
6 VAC 20-230-160	Erratum	22:2 VA.R. 296	--
6 VAC 20-230-210	Erratum	22:2 VA.R. 296	--
6 VAC 20-240-10 through 6 VAC 20-240-120	Added	22:11 VA.R. 1764-1768	3/8/06
6 VAC 35-190-10 through 6 VAC 35-190-120 emer	Added	22:9 VA.R. 1423-1425	12/14/05-12/13/06
6 VAC 40-20-10 through 6 VAC 40-20-200	Added	22:10 VA.R. 1556-1559	2/22/06
6 VAC 40-30-10 through 6 VAC 40-30-80	Added	22:10 VA.R. 1559-1560	2/22/06
6 VAC 40-40-10 through 6 VAC 40-40-110	Added	22:10 VA.R. 1561-1562	2/22/06
Title 8. Education			
8 VAC 20-21-80	Amended	21:25 VA.R. 3471	9/22/05
8 VAC 20-21-90	Amended	21:25 VA.R. 3473	9/22/05
8 VAC 20-21-660	Amended	21:25 VA.R. 3473	9/22/05
8 VAC 20-21-680	Amended	21:25 VA.R. 3474	9/22/05
8 VAC 40-30	Repealed	22:6 VA.R. 925	11/8/05-11/7/06
8 VAC 40-31-10 through 8 VAC 40-31-320	Added	22:6 VA.R. 925-939	11/8/05-11/7/06
Title 9. Environment			
9 VAC 5-50-250	Amended	22:10 VA.R. 1563	2/22/06
9 VAC 5-50-270	Amended	22:10 VA.R. 1563	2/22/06
9 VAC 5-50-280	Amended	22:10 VA.R. 1564	2/22/06
9 VAC 5-50-400	Amended	22:4 VA.R. 588	12/1/05
9 VAC 5-60-60	Amended	22:4 VA.R. 588	12/1/05
9 VAC 5-60-90	Amended	22:4 VA.R. 588	12/1/05
9 VAC 5-60-100	Amended	22:4 VA.R. 588	12/1/05
9 VAC 5-80-1100	Amended	22:10 VA.R. 1564	2/22/06
9 VAC 5-80-1110	Amended	22:10 VA.R. 1565	2/22/06
9 VAC 5-80-1310	Repealed	22:10 VA.R. 1569	2/22/06
9 VAC 5-80-1605	Amended	22:10 VA.R. 1571	2/22/06
9 VAC 5-80-1615	Amended	22:10 VA.R. 1571	2/22/06
9 VAC 5-80-1625	Amended	22:10 VA.R. 1583	2/22/06
9 VAC 5-80-1635	Added	22:10 VA.R. 1583	2/22/06
9 VAC 5-80-1645	Added	22:10 VA.R. 1584	2/22/06
9 VAC 5-80-1655	Added	22:10 VA.R. 1584	2/22/06
9 VAC 5-80-1665	Added	22:10 VA.R. 1584	2/22/06
9 VAC 5-80-1675	Added	22:10 VA.R. 1584	2/22/06
9 VAC 5-80-1685	Added	22:10 VA.R. 1584	2/22/06
9 VAC 5-80-1695	Added	22:10 VA.R. 1584	2/22/06
9 VAC 5-80-1700	Repealed	22:10 VA.R. 1585	2/22/06
9 VAC 5-80-1705	Added	22:10 VA.R. 1585	2/22/06
9 VAC 5-80-1710	Repealed	22:10 VA.R. 1586	2/22/06
9 VAC 5-80-1715	Added	22:10 VA.R. 1586	2/22/06
9 VAC 5-80-1720	Repealed	22:10 VA.R. 1586	2/22/06
9 VAC 5-80-1725	Added	22:10 VA.R. 1586	2/22/06
9 VAC 5-80-1730	Repealed	22:10 VA.R. 1586	2/22/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-1735	Amended	22:10 VA.R. 1586	2/22/06
9 VAC 5-80-1740	Repealed	22:10 VA.R. 1587	2/22/06
9 VAC 5-80-1745	Added	22:10 VA.R. 1587	2/22/06
9 VAC 5-80-1750	Repealed	22:10 VA.R. 1587	2/22/06
9 VAC 5-80-1755	Added	22:10 VA.R. 1587	2/22/06
9 VAC 5-80-1760	Repealed	22:10 VA.R. 1587	2/22/06
9 VAC 5-80-1765	Amended	22:10 VA.R. 1587	2/22/06
9 VAC 5-80-1770	Repealed	22:10 VA.R. 1588	2/22/06
9 VAC 5-80-1775	Added	22:10 VA.R. 1588	2/22/06
9 VAC 5-80-1780	Repealed	22:10 VA.R. 1590	2/22/06
9 VAC 5-80-1785	Amended	22:10 VA.R. 1590	2/22/06
9 VAC 5-80-1790	Repealed	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1795	Added	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1800	Repealed	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1805	Added	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1810	Repealed	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1815	Added	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1820	Repealed	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1825	Amended	22:10 VA.R. 1591	2/22/06
9 VAC 5-80-1830	Repealed	22:10 VA.R. 1592	2/22/06
9 VAC 5-80-1835	Added	22:10 VA.R. 1592	2/22/06
9 VAC 5-80-1845	Added	22:10 VA.R. 1593	2/22/06
9 VAC 5-80-1855	Added	22:10 VA.R. 1596	2/22/06
9 VAC 5-80-1840	Repealed	22:10 VA.R. 1593	2/22/06
9 VAC 5-80-1850	Repealed	22:10 VA.R. 1596	2/22/06
9 VAC 5-80-1860	Repealed	22:10 VA.R. 1597	2/22/06
9 VAC 5-80-1865	Added	22:10 VA.R. 1597	2/22/06
9 VAC 5-80-1870 through 9 VAC 5-80-1920	Repealed	22:10 VA.R. 1602	2/22/06
9 VAC 5-80-1925	Added	22:10 VA.R. 1602	2/22/06
9 VAC 5-80-1930	Repealed	22:10 VA.R. 1603	2/22/06
9 VAC 5-80-1935	Added	22:10 VA.R. 1603	2/22/06
9 VAC 5-80-1940	Repealed	22:10 VA.R. 1603	2/22/06
9 VAC 5-80-1945	Added	22:10 VA.R. 1603	2/22/06
9 VAC 5-80-1950	Repealed	22:10 VA.R. 1604	2/22/06
9 VAC 5-80-1955	Added	22:10 VA.R. 1604	2/22/06
9 VAC 5-80-1960	Repealed	22:10 VA.R. 1604	2/22/06
9 VAC 5-80-1965	Added	22:10 VA.R. 1604	2/22/06
9 VAC 5-80-1970	Repealed	22:10 VA.R. 1604	2/22/06
9 VAC 5-80-1975	Added	22:10 VA.R. 1604	2/22/06
9 VAC 5-80-1985	Added	22:10 VA.R. 1605	2/22/06
9 VAC 5-80-1995	Added	22:10 VA.R. 1605	2/22/06
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:10 VA.R. 1605-1617	2/22/06
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:10 VA.R. 1617-1620	2/22/06
9 VAC 5-80-2090	Amended	22:10 VA.R. 1620	2/22/06
9 VAC 5-80-2091	Added	22:10 VA.R. 1620	2/22/06
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:10 VA.R. 1621-1624	2/22/06
9 VAC 5-80-2141 through 9 VAC 5-80-2144	Added	22:10 VA.R. 1624-1634	2/22/06
9 VAC 5-80-2180	Amended	22:10 VA.R. 1634	2/22/06
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:10 VA.R. 1635-1637	2/22/06
9 VAC 10-10-10	Amended	22:5 VA.R. 709	12/14/05
9 VAC 10-10-20	Amended	22:5 VA.R. 710	12/14/05
9 VAC 10-10-30	Amended	22:5 VA.R. 710	12/14/05
9 VAC 20-80-60	Amended	21:26 VA.R. 3691	10/5/05
9 VAC 20-80-400	Amended	21:26 VA.R. 3694	10/5/05
9 VAC 20-80-480	Amended	21:26 VA.R. 3697	10/5/05
9 VAC 20-80-485	Amended	21:26 VA.R. 3698	10/5/05

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9 VAC 20-80-485	Erratum	22:2 VA.R. 296	--
9 VAC 20-80-790	Amended	22:1 VA.R. 104	12/19/05
9 VAC 25-40-10	Amended	22:3 VA.R. 370	11/16/05
9 VAC 25-40-20	Repealed	22:3 VA.R. 370	11/16/05
9 VAC 25-40-25	Added	22:3 VA.R. 370	11/16/05
9 VAC 25-40-30	Amended	22:3 VA.R. 371	11/16/05
9 VAC 25-40-40	Amended	22:3 VA.R. 371	11/16/05
9 VAC 25-40-50	Amended	22:3 VA.R. 371	11/16/05
9 VAC 25-40-70	Added	22:3 VA.R. 371	11/16/05
9 VAC 25-110-10	Amended	22:4 VA.R. 595	11/30/05
9 VAC 25-110-20	Amended	22:4 VA.R. 595	11/30/05
9 VAC 25-110-60	Amended	22:4 VA.R. 596	11/30/05
9 VAC 25-110-70	Amended	22:4 VA.R. 596	11/30/05
9 VAC 25-110-80	Amended	22:4 VA.R. 597	11/30/05
9 VAC 25-115-10 through 9 VAC 25-115-50	Amended	22:9 VA.R. 1395	2/8/06
9 VAC 25-180-10 through 9 VAC 25-180-70	Repealed	22:4 VA.R. 605	11/30/05
9 VAC 25-193-10	Amended	22:9 VA.R. 1396	2/8/06
9 VAC 25-193-20	Amended	22:9 VA.R. 1396	2/8/06
9 VAC 25-193-40 through 9 VAC 25-193-70	Amended	22:9 VA.R. 1396	2/8/06
9 VAC 25-260-30	Amended	22:3 VA.R. 381	12/29/05
9 VAC 25-260-310	Amended	22:7 VA.R. 1015	1/12/06
9 VAC 25-260-310	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-260-410	Amended	22:7 VA.R. 1017	1/12/06
9 VAC 25-260-410	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-260-530	Amended	22:7 VA.R. 1018	1/12/06
9 VAC 25-260-530	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-630-50	Amended	22:2 VA.R. 229	11/2/05
9 VAC 25-720-10	Amended	22:3 VA.R. 372	11/16/05
9 VAC 25-720-30	Amended	22:3 VA.R. 374	11/16/05
9 VAC 25-720-40	Amended	22:3 VA.R. 374	11/16/05
9 VAC 25-720-50	Amended	22:2 VA.R. 236	11/2/05
9 VAC 25-720-50	Amended	22:3 VA.R. 376	11/16/05
9 VAC 25-720-50	Amended	22:6 VA.R. 896	12/28/05
9 VAC 25-720-60	Amended	22:7 VA.R. 1019	1/11/06
9 VAC 25-720-70	Amended	22:3 VA.R. 378	11/16/05
9 VAC 25-720-80	Amended	22:6 VA.R. 897	12/28/05
9 VAC 25-720-90	Amended	22:2 VA.R. 237	11/2/05
9 VAC 25-720-90	Amended	22:6 VA.R. 899	12/28/05
9 VAC 25-720-110	Amended	22:3 VA.R. 380	11/16/05
9 VAC 25-720-120	Amended	22:7 VA.R. 1021	1/11/06
9 VAC 25-720-130	Amended	22:2 VA.R. 238	11/2/05
9 VAC 25-720-130	Amended	22:6 VA.R. 900	12/28/05
9 VAC 25-750-10 through 9 VAC 25-750-50	Repealed	22:4 VA.R. 605	11/30/05
9 VAC 25-780-10 through 9 VAC 25-780-190	Added	22:2 VA.R. 238-246	11/2/05
9 VAC 25-780-30	Erratum	22:4 VA.R. 660	--
9 VAC 25-780-50	Erratum	22:4 VA.R. 660	--
9 VAC 25-780-90	Erratum	22:4 VA.R. 660	--
9 VAC 25-780-140	Erratum	22:4 VA.R. 660	--
9 VAC 25-810-10 through 9 VAC 25-810-70	Added	22:9 VA.R. 1396-1403	2/8/06
Title 10. Finance and Financial Institutions			
10 VAC 5-20-50	Added	22:3 VA.R. 383	9/30/05
10 VAC 5-200-80	Amended	22:11 VA.R. 1769	3/1/06
Title 11. Gaming			
11 VAC 10-20-240	Amended	22:11 VA.R. 1771	3/8/06
11 VAC 15-22-10 through 11 VAC 15-22-120	Amended	22:6 VA.R. 901-915	12/28/05
11 VAC 15-22-35	Added	22:6 VA.R. 906	12/28/05

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11 VAC 15-31-10	Amended	22:6 VA.R. 915	1/1/06
11 VAC 15-31-20	Amended	22:6 VA.R. 917	1/1/06
11 VAC 15-31-30	Amended	22:6 VA.R. 919	1/1/06
11 VAC 15-31-50	Amended	22:6 VA.R. 922	1/1/06
11 VAC 15-31-60	Amended	22:6 VA.R. 922	1/1/06
Title 12. Health			
12 VAC 5-70-10 through 12 VAC 5-70-50 emer	Repealed	22:5 VA.R. 713	3/1/06-2/28/07
12 VAC 5-71-10 through 12 VAC 5-71-170 emer	Added	22:5 VA.R. 713-719	3/1/06-2/28/07
12 VAC 5-371-180	Amended	22:7 VA.R. 1023	1/11/06
12 VAC 5-371-210	Amended	22:7 VA.R. 1024	1/11/06
12 VAC 5-371-240	Amended	22:7 VA.R. 1024	1/11/06
12 VAC 5-371-300	Amended	22:7 VA.R. 1025	1/11/06
12 VAC 5-371-320	Amended	22:7 VA.R. 1025	1/11/06
12 VAC 5-371-340	Amended	22:7 VA.R. 1025	1/11/06
12 VAC 5-371-350	Repealed	22:7 VA.R. 1026	1/11/06
12 VAC 5-371-360	Amended	22:7 VA.R. 1026	1/11/06
12 VAC 5-371-370	Amended	22:7 VA.R. 1027	1/11/06
12 VAC 5-371-410	Amended	22:7 VA.R. 1027	1/11/06
12 VAC 5-371-425	Added	22:7 VA.R. 1028	1/11/06
12 VAC 5-371-430 through 12 VAC 5-371-560	Repealed	22:7 VA.R. 1028-1031	1/11/06
12 VAC 5-380	Repealed	22:3 VA.R. 388	1/1/06
12 VAC 5-381-10 through 12 VAC 5-381-360	Added	22:3 VA.R. 388-406	1/1/06
12 VAC 5-381-120	Erratum	22:4 VA.R. 659	--
12 VAC 5-410	Erratum	22:9 VA.R. 1445	--
12 VAC 5-410-260 through 12 VAC 5-410-290	Amended	22:8 VA.R. 1116-1117	1/25/06
12 VAC 5-410-340 through 12 VAC 5-410-390	Amended	22:8 VA.R. 1117-1119	1/25/06
12 VAC 5-410-442	Amended	22:8 VA.R. 1119	1/25/06
12 VAC 5-410-444	Amended	22:8 VA.R. 1121	1/25/06
12 VAC 5-410-445	Amended	22:8 VA.R. 1125	1/25/06
12 VAC 5-410-450	Amended	22:8 VA.R. 1128	1/25/06
12 VAC 5-410-480	Amended	22:8 VA.R. 1128	1/25/06
12 VAC 5-410-490	Amended	22:8 VA.R. 1128	1/25/06
12 VAC 5-410-500	Amended	22:8 VA.R. 1128	1/25/06
12 VAC 5-410-510 through 12 VAC 5-410-640	Repealed	22:8 VA.R. 1129-1130	1/25/06
12 VAC 5-410-650	Amended	22:8 VA.R. 1130	1/25/06
12 VAC 5-410-655	Added	22:8 VA.R. 1130	1/25/06
12 VAC 5-410-660 through 12 VAC 5-410-710	Repealed	22:8 VA.R. 1131-1132	1/25/06
12 VAC 5-410-720	Amended	22:8 VA.R. 1132	1/25/06
12 VAC 5-410-730	Repealed	22:8 VA.R. 1132	1/25/06
12 VAC 5-410-740	Repealed	22:8 VA.R. 1132	1/25/06
12 VAC 5-410-750	Repealed	22:8 VA.R. 1132	1/25/06
12 VAC 5-410-760	Amended	22:8 VA.R. 1134	1/25/06
12 VAC 5-410-770 through 12 VAC 5-410-1140	Repealed	22:8 VA.R. 1134-1151	1/25/06
12 VAC 5-410-1250	Amended	22:8 VA.R. 1151	1/25/06
12 VAC 5-410-1260	Amended	22:8 VA.R. 1151	1/25/06
12 VAC 5-410-1290	Amended	22:8 VA.R. 1151	1/25/06
12 VAC 5-410-1310 through 12 VAC 5-410-1340	Repealed	22:8 VA.R. 1151-1152	1/25/06
12 VAC 5-410-1350	Amended	22:8 VA.R. 1152	1/25/06
12 VAC 5-410-1360	Repealed	22:8 VA.R. 1152	1/25/06
12 VAC 5-410-1370	Repealed	22:8 VA.R. 1153	1/25/06
12 VAC 5-410-1380	Amended	22:8 VA.R. 1153	1/25/06
12 VAC 5-410-1390 through 12 VAC 5-410-1420, Appendices A, B, and C	Repealed	22:8 VA.R. 1153-1154	1/25/06
12 VAC 5-500-10 through 12 VAC 5-500-350	Repealed	22:3 VA.R. 407	1/1/06
12 VAC 5-501-10 through 12 VAC 5-501-350	Added	22:3 VA.R. 407-413	1/1/06
12 VAC 30-30-60	Added	22:8 VA.R. 1185	1/1/06-12/31/06

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12 VAC 30-40-10	Amended	22:8 VA.R. 1186	1/1/06-12/31/06
12 VAC 30-50-35	Added	22:8 VA.R. 1187	1/1/06-12/31/06
12 VAC 30-50-75	Added	22:8 VA.R. 1187	1/1/06-12/31/06
12 VAC 30-50-130	Amended	22:8 VA.R. 1155	1/25/06
12 VAC 30-50-530	Amended	22:8 VA.R. 1188	1/1/06-12/31/06
12 VAC 30-60-61	Amended	22:8 VA.R. 1157	1/25/06
12 VAC 30-80-30	Amended	22:8 VA.R. 1188	12/2/05-12/1/06
12 VAC 30-80-40	Amended	22:3 VA.R. 414	11/16/05
12 VAC 30-120-10 through 12 VAC 30-120-60	Repealed	22:10 VA.R. 1638	2/22/06
12 VAC 30-120-280	Amended	22:8 VA.R. 1178	4/3/06
12 VAC 30-120-370	Amended	22:8 VA.R. 1180	4/3/06
12 VAC 30-120-490 through 12 VAC 30-120-550	Repealed	22:10 VA.R. 1638	2/22/06
12 VAC 30-120-900 through 12 VAC 30-120-980	Added	22:10 VA.R. 1638-1661	2/22/06
12 VAC 30-120-1600 through 12 VAC 30-120-1660 emer	Added	22:2 VA.R. 255-261	9/14/05-9/13/06
12 VAC 30-130-860 through 12 VAC 30-130-890	Amended	22:8 VA.R. 1158-1163	1/25/06
12 VAC 30-141-10 emer	Amended	21:25 VA.R. 3553	8/1/05-7/31/06
12 VAC 30-141-10 emer	Amended	21:25 VA.R. 3561	8/1/05-7/31/06
12 VAC 30-141-40 emer	Amended	21:25 VA.R. 3555	8/1/05-7/31/06
12 VAC 30-141-100 emer	Amended	21:25 VA.R. 3555	8/1/05-7/31/06
12 VAC 30-141-100 emer	Amended	21:25 VA.R. 3563	8/1/05-7/31/06
12 VAC 30-141-120 emer	Amended	21:25 VA.R. 3564	8/1/05-7/31/06
12 VAC 30-141-150 emer	Amended	21:25 VA.R. 3564	8/1/05-7/31/06
12 VAC 30-141-160 emer	Amended	21:25 VA.R. 3557	8/1/05-7/31/06
12 VAC 30-141-170 emer	Repealed	21:25 VA.R. 3557	8/1/05-7/31/06
12 VAC 30-141-175 emer	Added	21:25 VA.R. 3559	8/1/05-7/31/06
12 VAC 30-141-200 emer	Amended	21:25 VA.R. 3560	8/1/05-7/31/06
12 VAC 30-141-660	Amended	22:8 VA.R. 1182	4/3/06
12 VAC 30-141-810 through 12 VAC 30-141-1660 emer	Added	21:25 VA.R. 3566-3573	8/1/05-7/31/06
12 VAC 35-45-10	Amended	22:10 VA.R. 1684	12/30/05-12/29/06
12 VAC 35-45-25	Added	22:8 VA.R. 1191	12/2/05-12/1/06
12 VAC 35-45-70 emer	Amended	22:10 VA.R. 1685	12/30/05-12/29/06
12 VAC 35-45-80 emer	Amended	22:10 VA.R. 1685	12/30/05-12/29/06
12 VAC 35-45-210 emer	Added	22:10 VA.R. 1686	12/30/05-12/29/06
12 VAC 35-105-20 emer	Amended	22:10 VA.R. 1686	12/30/05-12/29/06
12 VAC 35-105-30 emer	Amended	22:10 VA.R. 1693	12/30/05-12/29/06
12 VAC 35-105-590 emer	Amended	22:10 VA.R. 1693	12/30/05-12/29/06
12 VAC 35-105-660 emer	Amended	22:10 VA.R. 1694	12/30/05-12/29/06
12 VAC 35-105-925	Added	22:8 VA.R. 1193	12/6/05-12/5/06
Title 13. Housing			
13 VAC 5-21-10 through 13 VAC 5-21-70	Amended	22:3 VA.R. 416-419	11/16/05
13 VAC 5-21-45	Added	22:3 VA.R. 418	11/16/05
13 VAC 5-21-61	Erratum	22:5 VA.R. 734	--
13 VAC 5-31-20	Amended	22:3 VA.R. 420	11/16/05
13 VAC 5-31-40	Amended	22:3 VA.R. 420	11/16/05
13 VAC 5-31-50	Amended	22:3 VA.R. 421	11/16/05
13 VAC 5-31-80	Amended	22:3 VA.R. 421	11/16/05
13 VAC 5-31-100	Amended	22:3 VA.R. 422	11/16/05
13 VAC 5-31-190	Amended	22:3 VA.R. 422	11/16/05
13 VAC 5-31-200	Added	22:3 VA.R. 422	11/16/05
13 VAC 5-31-210	Added	22:3 VA.R. 422	11/16/05
13 VAC 5-51-21	Amended	22:3 VA.R. 422	11/16/05
13 VAC 5-51-31	Amended	22:3 VA.R. 423	11/16/05
13 VAC 5-51-41	Amended	22:3 VA.R. 423	11/16/05
13 VAC 5-51-51	Amended	22:3 VA.R. 424	11/16/05
13 VAC 5-51-51	Erratum	22:5 VA.R. 734	--
13 VAC 5-51-61	Amended	22:3 VA.R. 425	11/16/05

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13 VAC 5-51-81	Amended	22:3 VA.R. 425	11/16/05
13 VAC 5-51-91	Amended	22:3 VA.R. 432	11/16/05
13 VAC 5-51-121	Amended	22:3 VA.R. 433	11/16/05
13 VAC 5-51-130	Amended	22:3 VA.R. 434	11/16/05
13 VAC 5-51-131	Amended	22:3 VA.R. 434	11/16/05
13 VAC 5-51-132	Amended	22:3 VA.R. 435	11/16/05
13 VAC 5-51-133	Amended	22:3 VA.R. 435	11/16/05
13 VAC 5-51-133.5	Added	22:3 VA.R. 436	11/16/05
13 VAC 5-51-134	Added	22:3 VA.R. 436	11/16/05
13 VAC 5-51-135	Amended	22:3 VA.R. 436	11/16/05
13 VAC 5-51-135.5	Added	22:3 VA.R. 437	11/16/05
13 VAC 5-51-136	Repealed	22:3 VA.R. 437	11/16/05
13 VAC 5-51-145	Added	22:3 VA.R. 437	11/16/05
13 VAC 5-51-150	Amended	22:3 VA.R. 438	11/16/05
13 VAC 5-51-152	Added	22:3 VA.R. 442	11/16/05
13 VAC 5-51-154	Added	22:3 VA.R. 442	11/16/05
13 VAC 5-51-155	Amended	22:3 VA.R. 443	11/16/05
13 VAC 5-62-10 through 13 VAC 5-62-480	Repealed	22:3 VA.R. 444	11/16/05
13 VAC 5-63-10 through 13 VAC 5-63-550	Added	22:3 VA.R. 444-497	11/16/05
13 VAC 5-63-120	Erratum	22:5 VA.R. 734	--
13 VAC 5-63-210	Erratum	22:5 VA.R. 734	--
13 VAC 5-63-270	Erratum	22:5 VA.R. 734	--
13 VAC 5-63-300	Erratum	22:5 VA.R. 734	--
13 VAC 5-91-10	Amended	22:3 VA.R. 498	11/16/05
13 VAC 5-91-20	Amended	22:3 VA.R. 499	11/16/05
13 VAC 5-91-40	Amended	22:3 VA.R. 499	11/16/05
13 VAC 5-91-50	Amended	22:3 VA.R. 499	11/16/05
13 VAC 5-91-70	Amended	22:3 VA.R. 499	11/16/05
13 VAC 5-91-80	Amended	22:3 VA.R. 499	11/16/05
13 VAC 5-91-90	Amended	22:3 VA.R. 499	11/16/05
13 VAC 5-91-110 through 13 VAC 5-91-220	Amended	22:3 VA.R. 499-501	11/16/05
13 VAC 5-91-245 through 13 VAC 5-91-270	Amended	22:3 VA.R. 502	11/16/05
13 VAC 5-112-10 through 13 VAC 5-112-560 emer	Added	22:4 VA.R. 630-649	9/30/05-9/29/06
13 VAC 6-20-10	Amended	22:10 VA.R. 1679	4/12/06
13 VAC 6-20-80	Amended	22:10 VA.R. 1680	4/12/06
13 VAC 6-20-120	Amended	22:10 VA.R. 1680	4/12/06
13 VAC 6-20-350	Amended	22:10 VA.R. 1680	4/12/06
13 VAC 10-160-10	Amended	22:7 VA.R. 1032	12/1/05
13 VAC 10-160-30	Amended	22:7 VA.R. 1033	12/1/05
13 VAC 10-160-55	Amended	22:7 VA.R. 1034	12/1/05
13 VAC 10-160-60	Amended	22:7 VA.R. 1034	12/1/05
13 VAC 10-160-80	Amended	22:7 VA.R. 1035	12/1/05
13 VAC 10-160-90	Amended	22:7 VA.R. 1035	12/1/05
13 VAC 10-180-10	Amended	22:9 VA.R. 1403	1/1/06
13 VAC 10-180-50	Amended	22:9 VA.R. 1404	1/1/06
13 VAC 10-180-60	Amended	22:9 VA.R. 1403	1/1/06
13 VAC 10-180-90	Amended	22:9 VA.R. 1415	1/1/06
Title 14. Insurance			
14 VAC 5-170-20 through 14 VAC 5-170-105	Amended	21:25 VA.R. 3477-3490	8/15/05
14 VAC 5-170-120	Amended	21:25 VA.R. 3490	8/15/05
14 VAC 5-170-130	Amended	21:25 VA.R. 3492	8/15/05
14 VAC 5-170-150	Amended	21:25 VA.R. 3493	8/15/05
14 VAC 5-170-150	Erratum	22:1 VA.R. 114	--
14 VAC 5-170-160	Amended	21:25 VA.R. 3525	8/15/05
14 VAC 5-170-190 Appendices A through D	Amended	21:25 VA.R. 3527-3548	8/15/05

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Title 16. Labor and Employment			
16 VAC 15-21-20	Amended	22:4 VA.R. 606	12/1/05
16 VAC 15-21-30	Amended	22:4 VA.R. 606	12/1/05
Title 18. Professional and Occupational Licensing			
18 VAC 47-20-10 emer	Amended	21:25 VA.R. 3574	8/1/05-7/31/06
18 VAC 47-20-35 emer	Added	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-70 emer	Amended	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-70	Amended	22:6 VA.R. 923	1/1/06
18 VAC 47-20-140 emer	Amended	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-140	Amended	22:6 VA.R. 923	1/1/06
18 VAC 47-20-240 emer	Repealed	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-250 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 47-20-260 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 47-20-270 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 50-22-10	Amended	22:8 VA.R. 1163	2/1/06
18 VAC 50-22-20	Amended	22:8 VA.R. 1164	2/1/06
18 VAC 50-22-30	Amended	22:8 VA.R. 1165	2/1/06
18 VAC 50-22-50	Amended	22:8 VA.R. 1168	2/1/06
18 VAC 50-22-60	Amended	22:8 VA.R. 1169	2/1/06
18 VAC 50-22-260	Amended	22:8 VA.R. 1169	2/1/06
18 VAC 50-22-270	Repealed	22:8 VA.R. 1171	2/1/06
18 VAC 60-20-10 emer	Amended	22:1 VA.R. 106	9/1/05-8/31/06
18 VAC 60-20-20 emer	Amended	22:1 VA.R. 107	9/1/05-8/31/06
18 VAC 60-20-71 emer	Amended	22:1 VA.R. 107	9/1/05-8/31/06
18 VAC 60-20-105 emer	Amended	22:1 VA.R. 107	9/1/05-8/31/06
18 VAC 60-20-106 emer	Amended	22:1 VA.R. 108	9/1/05-8/31/06
18 VAC 60-20-210 emer	Amended	22:1 VA.R. 108	9/1/05-8/31/06
18 VAC 60-20-230 emer	Amended	22:1 VA.R. 109	9/1/05-8/31/06
18 VAC 76-20-20 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-30 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-50 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-60 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-70 emer	Added	21:25 VA.R. 3578	7/25/05-7/24/06
18 VAC 85-20	Erratum	22:1 VA.R. 114	--
18 VAC 85-20-22	Amended	22:9 VA.R. 1418	2/8/06
18 VAC 85-20-25	Added	22:1 VA.R. 82	10/19/05
18 VAC 85-20-26	Added	22:1 VA.R. 83	10/19/05
18 VAC 85-20-27	Added	22:1 VA.R. 83	10/19/05
18 VAC 85-20-28	Added	22:1 VA.R. 83	10/19/05
18 VAC 85-20-29	Added	22:1 VA.R. 84	10/19/05
18 VAC 85-20-30	Amended	22:1 VA.R. 84	10/19/05
18 VAC 85-20-40	Amended	22:1 VA.R. 84	10/19/05
18 VAC 85-20-50	Amended	22:1 VA.R. 84	10/19/05
18 VAC 85-20-80	Amended	22:1 VA.R. 84	10/19/05
18 VAC 85-20-90	Amended	22:1 VA.R. 84	10/19/05
18 VAC 85-20-100	Amended	22:1 VA.R. 85	10/19/05
18 VAC 85-20-105	Amended	22:1 VA.R. 85	10/19/05
18 VAC 85-20-400 emer	Added	22:10 VA.R. 1695	12/21/05-12/20/06
18 VAC 85-20-410 emer	Added	22:10 VA.R. 1696	12/21/05-12/20/06
18 VAC 85-20-420 emer	Added	22:10 VA.R. 1696	12/21/05-12/20/06
18 VAC 85-40-35	Amended	22:9 VA.R. 1418	2/8/06
18 VAC 85-40-66	Amended	22:7 VA.R. 1036	1/11/06
18 VAC 85-40-85 through 18 VAC 85-40-91	Added	22:1 VA.R. 87-89	10/19/05
18 VAC 85-50-35	Amended	22:9 VA.R. 1419	2/8/06
18 VAC 85-50-175 through 18 VAC 85-50-184	Added	22:1 VA.R. 89-91	10/19/05
18 VAC 85-80-26	Amended	22:9 VA.R. 1419	2/8/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-80-120 through 18 VAC 85-80-125	Added	22:1 VA.R. 92-93	10/19/05
18 VAC 85-80-120 through 18 VAC 85-80-125	Erratum	22:4 VA.R. 659	--
18 VAC 85-101-25	Amended	22:9 VA.R. 1419	2/8/06
18 VAC 85-101-161 through 18 VAC 85-101-166	Added	22:1 VA.R. 94-95	10/19/05
18 VAC 85-110-35	Amended	22:9 VA.R. 1420	2/8/06
18 VAC 85-110-175 through 18 VAC 85-110-183	Added	22:1 VA.R. 95-98	10/19/05
18 VAC 85-120-50	Amended	22:2 VA.R. 254	12/17/05
18 VAC 85-120-150	Amended	22:9 VA.R. 1420	2/8/06
18 VAC 85-120-155 through 18 VAC 85-120-162	Added	22:1 VA.R. 98-100	10/19/05
18 VAC 85-130-10 through 18 VAC 85-130-170 emer	Added	22:10 VA.R. 1696-1700	12/21/05-12/20/06
18 VAC 90-25-80	Amended	22:8 VA.R. 1171	1/25/06
18 VAC 105-20-5	Added	22:4 VA.R. 607	11/30/05
18 VAC 105-20-10	Amended	22:4 VA.R. 607	11/30/05
18 VAC 105-20-15	Amended	22:4 VA.R. 607	11/30/05
18 VAC 105-20-16	Added	22:4 VA.R. 608	11/30/05
18 VAC 105-20-20	Amended	22:4 VA.R. 608	11/30/05
18 VAC 105-20-70	Amended	22:4 VA.R. 608	11/30/05
18 VAC 105-30-10 through 18 VAC 105-30-120	Repealed	22:4 VA.R. 606	11/30/05
18 VAC 110-20-20	Amended	22:2 VA.R. 246	11/2/05
18 VAC 110-20-320	Amended	22:7 VA.R. 1037	1/11/06
18 VAC 110-30	Erratum	22:11 VA.R. 1953	--
18 VAC 110-30-10	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-15	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-20	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-30	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-35	Repealed	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-40	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-50	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-80	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-110	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-130	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-150	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-170 through 18 VAC 110-30-220	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-240	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-260	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-270	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 112-20-135	Amended	22:1 VA.R. 100	10/19/05
18 VAC 112-20-150	Amended	22:1 VA.R. 101	10/19/05
18 VAC 112-20-151	Repealed	22:1 VA.R. 101	10/19/05
18 VAC 115-20-20	Amended	22:2 VA.R. 249	1/14/06
18 VAC 115-20-130	Amended	22:7 VA.R. 1039	1/11/06
18 VAC 115-20-140	Amended	22:7 VA.R. 1040	1/11/06
18 VAC 115-20-150	Amended	22:7 VA.R. 1041	1/11/06
18 VAC 115-30-30	Amended	22:2 VA.R. 250	1/21/06
18 VAC 115-50-110	Amended	22:7 VA.R. 1041	1/11/06
18 VAC 115-50-120	Amended	22:7 VA.R. 1042	1/11/06
18 VAC 115-50-130	Amended	22:7 VA.R. 1043	1/11/06
18 VAC 115-60-130	Amended	22:7 VA.R. 1043	1/11/06
18 VAC 115-60-140	Amended	22:7 VA.R. 1045	1/11/06
18 VAC 115-60-150	Amended	22:7 VA.R. 1045	1/11/06
18 VAC 120-40-40	Amended	22:11 VA.R. 1779	4/23/06
18 VAC 120-40-50	Amended	22:11 VA.R. 1779	4/23/06
18 VAC 125-20-30	Amended	22:11 VA.R. 1772	3/8/06
18 VAC 125-30-20	Amended	22:11 VA.R. 1773	3/8/06
18 VAC 140-20-30	Amended	22:9 VA.R. 1420	2/8/06
18 VAC 150-20-100	Amended	21:26 VA.R. 3701	10/5/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 19. Public Safety			
19 VAC 30-20-40	Amended	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-80	Amended	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-205	Added	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-220	Amended	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-250	Amended	22:10 VA.R. 1663	3/1/06
Title 20. Public Utilities and Telecommunications			
20 VAC 5-313-10 through 20 VAC 5-313-40	Added	22:11 VA.R. 1775-1777	1/5/06
20 VAC 5-400-80	Repealed	22:4 VA.R. 612	11/1/05
20 VAC 5-427-10	Erratum	22:1 VA.R. 114	--
20 VAC 5-427-10 through 20 VAC 5-427-170	Added	22:4 VA.R. 613-625	11/1/05
20 VAC 5-427-100	Erratum	22:1 VA.R. 114	--
20 VAC 5-427-110	Erratum	22:1 VA.R. 114	--
20 VAC 5-427-130	Erratum	22:1 VA.R. 114	--
Title 22. Social Services			
22 VAC 40-71-10 emer	Amended	22:2 VA.R. 261	12/28/05-12/27/06
22 VAC 40-71-50 emer	Amended	22:2 VA.R. 266	12/28/05-12/27/06
22 VAC 40-71-55 emer	Added	22:2 VA.R. 266	12/28/05-12/27/06
22 VAC 40-71-60 emer	Amended	22:2 VA.R. 267	12/28/05-12/27/06
22 VAC 40-71-65 emer	Added	22:2 VA.R. 269	12/28/05-12/27/06
22 VAC 40-71-80 emer	Amended	22:2 VA.R. 269	12/28/05-12/27/06
22 VAC 40-71-120 emer	Amended	22:2 VA.R. 270	12/28/05-12/27/06
22 VAC 40-71-130 emer	Amended	22:2 VA.R. 270	12/28/05-12/27/06
22 VAC 40-71-150 emer	Amended	22:2 VA.R. 270	12/28/05-12/27/06
22 VAC 40-71-400 emer	Amended	22:2 VA.R. 274	12/28/05-12/27/06
22 VAC 40-71-485 emer	Added	22:2 VA.R. 277	12/28/05-12/27/06
22 VAC 40-71-485	Erratum	22:4 VA.R. 659	--
22 VAC 40-71-630 emer	Amended	22:2 VA.R. 278	12/28/05-12/27/06
22 VAC 40-71-630	Erratum	22:4 VA.R. 660	--
22 VAC 40-71-650 emer	Amended	22:2 VA.R. 279	12/28/05-12/27/06
22 VAC 40-71-660 emer	Repealed	22:2 VA.R. 280	12/28/05-12/27/06
22 VAC 40-71-670 emer	Amended	22:2 VA.R. 280	12/28/05-12/27/06
22 VAC 40-71-700 emer	Amended	22:2 VA.R. 281	12/28/05-12/27/06
22 VAC 40-80-120 emer	Amended	22:2 VA.R. 285	12/28/05-12/27/06
22 VAC 40-80-340 emer	Amended	22:2 VA.R. 286	12/28/05-12/27/06
22 VAC 40-80-345 emer	Added	22:2 VA.R. 287	12/28/05-12/27/06
22 VAC 40-141-20	Amended	22:10 VA.R. 1664	2/22/06
22 VAC 40-141-30	Amended	22:10 VA.R. 1664	2/22/06
22 VAC 40-141-80 through 22 VAC 40-141-90	Amended	22:10 VA.R. 1664-1666	2/22/06
22 VAC 40-141-110 through 22 VAC 40-141-210	Amended	22:10 VA.R. 1666-1672	2/22/06
22 VAC 40-730-10	Amended	22:2 VA.R. 251	11/2/05
22 VAC 40-730-115	Amended	22:2 VA.R. 252	11/2/05
22 VAC 40-730-115	Amended	22:9 VA.R. 1421	2/8/06
Title 24. Transportation and Motor Vehicles			
24 VAC 30-121-10 through 24 VAC 30-121-40	Added	22:10 VA.R. 1672-1676	2/22/06

PETITIONS FOR RULEMAKING

TITLE 12. HEALTH

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Agency Decision

Title of Regulation: **12 VAC 35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services.**

Statutory Authority: §§ 37.2-203 and 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Requests that the agency adopt regulations allowing individuals to be present in closed meetings when they are the subject of the meeting. These closed meetings are invoked under certain conditions under § 2.2-3711 of the Code of Virginia and include meetings to discuss or consider medical and mental records, and, personal matters unrelated to public business for privacy protection. The proposed regulatory provisions should be codified at 12 VAC 35-115-70.

Requests that the agency amend 12 VAC 35-115-40 to require state facilities to physically post, in a conspicuous place, basic information about the Virginia Freedom of Information Act (VFOIA). This basic information is prescribed in § 2.2-3704.1 of the Code of Virginia. The statute requires state public bodies to post certain information on the Internet. This information includes (i) the rights granted to individuals under VFOIA; (ii) the process for requesting records; (iii) the obligations imposed on state employees by VFOIA; (iv) contact information for receiving assistance and making requests for public records; and (v) commonly used exemptions for VFOIA requests.

Agency Decision: Request denied.

Statement of Reasons for Decision: The State Mental Health, Mental Retardation and Substance Abuse Services Board has denied the petition but has agreed to consider the petitioner's proposal in conjunction with its current process for amending its human rights regulations (12 VAC 35-115). The petitioner requested that the board initiate a new process to adopt regulations pertaining to the rights of individuals who are receiving services in state facilities. Virginia Code § 37.2-400 requires the board to adopt regulations to protect the legal and human rights of individuals receiving services in facilities or from providers that are licensed, funded, or operated by the department. The board recently published a notice of intended regulatory action (NOIRA) to initiate the process to amend its human rights regulations. As part of this process, the board will publish its proposed amendments and provide the public the opportunity to submit comments for its consideration. Rather than initiate a new regulatory process, the board agreed to regard the petitioner's specific request as public comment on its proposed human rights regulations and

consider his proposal when finalizing its amendments to the human rights regulations.

Agency Contact: Wendy V. Brown, Agency Regulatory Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-0092, or e-mail wendy.brown@co.dmhmrsas.virginia.gov.

VA.R. Doc. No. R06-59; Filed January 24, 2006, 12:25 p.m.

Agency Decision

Title of Regulation: **None specified.**

Statutory Authority: §§ 37.2-203, 37.2-400 and 37.2-840 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Requests that the agency adopt regulations allowing the commissioner's power to transfer patients from one hospital to another to be delegated. Requests that patients who are unstable, regardless of their legal status, be transferred to the Forensic Unit of Central State Hospital and that transfers of nonforensic patients should be possible based on their safety, security requirements and treatment needs.

Agency Decision: Request denied.

Statement of Reasons for Decision: The State Mental Health, Mental Retardation and Substance Abuse Services Board has denied the petition but has agreed to consider the petitioner's proposal in conjunction with its current process for amending its human rights regulations (12 VAC 35-115). The petitioner requested that the board initiate a new process to adopt regulations pertaining to the rights of individuals who are receiving services in state facilities. Virginia Code § 37.2-400 requires the board to adopt regulations to protect the legal and human rights of individuals receiving services in facilities or from providers that are licensed, funded, or operated by the department. The board recently published a notice of intended regulatory action (NOIRA) to initiate the process to amend its human rights regulations. As part of this process, the board will publish its proposed amendments and provide the public the opportunity to submit comments for its consideration. Rather than initiate a new regulatory process, the board agreed to regard the petitioner's specific request as public comment on its proposed human rights regulations and consider his proposal when finalizing its amendments to the human rights regulations.

Agency Contact: Wendy V. Brown, Agency Regulatory Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-0092, or e-mail wendy.brown@co.dmhmrsas.virginia.gov.

VA.R. Doc. No. R06-69; Filed January 24, 2006, 12:24 p.m.

Agency Decision

Title of Regulation: **None specified.**

Statutory Authority: §§ 37.2-203 and 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Requests that the agency adopt new regulations that require facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and public bodies that hold meetings to provide confined individuals access to meetings of public bodies consistent with § 2-2-3708 of the Code of Virginia.

Agency Decision: Request denied.

Statement of Reasons for Decision: The State Mental Health, Mental Retardation and Substance Abuse Services Board has denied the petition but has agreed to consider the petitioner's proposal in conjunction with its current process for amending its human rights regulations (12 VAC 35-115). The petitioner requested that the board initiate a new process to adopt regulations pertaining to the rights of individuals who are receiving services in state facilities. Virginia Code § 37.2-400 requires the board to adopt regulations to protect the legal and human rights of individuals receiving services in facilities or from providers that are licensed, funded, or operated by the department. The board recently published a notice of intended regulatory action (NOIRA) to initiate the process to amend its human rights regulations. As part of this process, the board will publish its proposed amendments and provide the public the opportunity to submit comments for its consideration. Rather than initiate a new regulatory process, the board agreed to regard the petitioner's specific request as public comment on its proposed human rights regulations and consider his proposal when finalizing its amendments to the human rights regulations.

Agency Contact: Wendy V. Brown, Agency Regulatory Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-0092, or e-mail wendy.brown@co.dmhmrzas.virginia.gov.

VA.R. Doc. No. R06-70; Filed January 24, 2006, 12:25 p.m.

Agency Decision

Title of Regulation: **12 VAC 35**

Statutory Authority: §§ 2.2-4117 and 37.2-203 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Requests that the agency adopt regulations related to dispute resolution proceedings to specifically deal with disputes with the department rather than with state facilities or training centers. The regulations should also cover disputes over guidelines dealing with the management of NGRI acquittees.

Agency Decision: Request denied.

Statement of Reasons for Decision: The State Mental Health, Mental Retardation and Substance Abuse Services Board has denied the petition but has agreed to consider the petitioner's proposal in conjunction with its current process for amending its human rights regulations (12 VAC 35-115). The petitioner requested that the board initiate a new process to adopt regulations pertaining to the rights of individuals who are receiving services in state facilities. Virginia Code § 37.2-400 requires the board to adopt regulations to protect the legal and human rights of individuals receiving services in facilities or from providers that are licensed, funded, or operated by the department. The board recently published a notice of intended regulatory action (NOIRA) to initiate the process to amend its human rights regulations. As part of this process, the board will publish its proposed amendments and provide the public the opportunity to submit comments for its consideration. Rather than initiate a new regulatory process, the board agreed to regard the petitioner's specific request as public comment on its proposed human rights regulations and consider his proposal when finalizing its amendments to the human rights regulations.

Agency Contact: Wendy V. Brown, Agency Regulatory Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-0092, or e-mail wendy.brown@co.dmhmrzas.virginia.gov.

VA.R. Doc. No. R06-103; Filed January 24, 2006, 12:24 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PSYCHOLOGY

Agency Decision

Title of Regulation: **18 VAC 125-20. Regulations Governing the Practice of Psychology.**

Statutory Authority: § 54.1-3605 of the Code of Virginia.

Name of Petitioner: James P. Osterhaus.

Nature of Petitioner's Request: To consider acceptance of writing or teaching in the field of psychology for fulfillment of hours of required continuing education.

Agency's Decision: Request denied.

Statement of Reasons for Decision: The board believes that the issue deserves further study to ensure that continuing education objectives are maintained. As a result of board discussion, the Board Chair has directed the Continuing Education Committee to take a closer look at the types of activities acceptable for compliance with continuing education requirements.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, or e-mail evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R06-84; Filed January 31, 2006, 12:22 p.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to consider amending regulations entitled **4 VAC 50-20, Impounding Structure Regulations**. The purpose of the proposed action is to (i) establish an alternative procedure (decision matrix) that would allow for the evaluation of spillway design floods (SDF) less than the probable maximum flood (PMF) where there would be unreasonable or significant increase in hazard to life and property; (ii) establish alteration permit requirements similar to construction permit requirements; (iii) expand the requirements of an emergency action plan to meet federal requirements; (iv) amend references to new and existing dams to clarify that the regulations refer to all dams unless otherwise specified; (v) improve the applicability and consistency of Table 1 in 4 VAC 50-20-50 and improve the risk classification system; (vi) establish permit application fees for the administration of the dam safety program; (vii) amend or remove the forms that are incorporated by reference; (viii) clarify the meanings of terminologies such as "significantly," "appropriate," and "reasonable" as well as the threshold at which "probable" becomes "possible"; and (ix) revise the regulations as needed to improve the administration and implementation of the Virginia Dam Safety Program.

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

Statutory Authority: § 10.1-604 of the Code of Virginia.

Public comments may be submitted until February 24, 2006.

Contact: David C. Dowling, Policy, Planning and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141 or e-mail david.dowling@dcr.virginia.gov.

VA.R. Doc. No. R06-130; Filed December 7, 2005, 9:51 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to consider amending regulations entitled **4 VAC 50-60, Stormwater Management Regulations**. The Virginia Stormwater Management Program was created by Chapter 372 of the 2004 Virginia Acts of Assembly (HB1177) and this action transferred the responsibility of the permitting

programs for MS4s and construction activities from the State Water Control Board and DEQ to the Virginia Soil and Water Conservation Board and DCR. The law authorized the board to delegate to the department or to an approved locality any of the powers and duties vested in it except the adoption and promulgation of regulations. The purpose of this proposed action is to consider the development and adoption of revised regulations to establish minimal criteria of a local stormwater management program and board approval procedures for the delegation of the stormwater management program for construction activities, or parts thereof, to localities per § 10.1-603.3 of the Code of Virginia; and to revise the regulation, as needed, to improve the administration and implementation of the Virginia Stormwater Management Act (§ 10.1-603.2 et seq.) per the requirements set forth in the federal Clean Water Act and its attendant regulations.

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

Statutory Authority: §§ 10.1-107 and 10.1-603.4 of the Code of Virginia.

Public comments may be submitted until February 24, 2006.

Contact: David C. Dowling, Policy, Planning and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141 or e-mail david.dowling@dcr.virginia.gov.

VA.R. Doc. No. R06-128; Filed December 7, 2005, 10:04 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to consider amending regulations entitled **4 VAC 50-60, Stormwater Management Regulations**. The purpose of the proposed action is to consider the development and adoption of regulations that establish or revise the statewide stormwater permit fees at a level sufficient to carry out the stormwater management program per § 10.1-603.4.5 of the Code of Virginia; and to revise the related provisions in the regulations, as needed, to improve the administration and implementation of fees under the Virginia Stormwater Management Act (§ 10.1-603.2 et seq.).

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

Statutory Authority: §§ 10.1-107 and 10.1-603.4 of the Code of Virginia.

Public comments may be submitted until February 24, 2006.

Contact: David C. Dowling, Policy, Planning and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone

Notices of Intended Regulatory Action

(804) 786-2291, FAX (804) 786-6141 or e-mail david.dowling@dcr.virginia.gov.

VA.R. Doc. No. R06-129; Filed December 7, 2005, 10:04 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider promulgating regulations entitled **6 VAC 20-260, Regulations Relating to Bail Enforcement Agents**. The purpose of the proposed action is to promulgate regulations for bail enforcement agents. The regulation establishes a license process and fees, compulsory minimum entry-level training standards, and administration of the regulatory system.

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

Statutory Authority: §§ 9.1-102 and 9.1-186.2 of the Code of Virginia.

Public comments may be submitted until March 22, 2006.

Contact: Lisa McGhee, Regulatory Program Manager, Department of Criminal Justice Services, 202 N. 9th St., Richmond, VA 23219, telephone (804) 371-2419, FAX (804) 786-6344 or e-mail lisa.mcgee@dcjs.virginia.gov.

VA.R. Doc. No. R06-182; Filed January 31, 2006, 10:56 a.m.

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 20-40, Regulations Governing Educational Services for Gifted Students**. The Regulations Governing Educational Services for Gifted Students were last approved in 1993, with an effective date of February 1995. The regulations specify what gifted education services school divisions in the Commonwealth of Virginia shall provide students from kindergarten through graduation. The regulations speak to the areas of giftedness to be served, the identification of students in the selected areas of service, the criteria for screening and identification, the components of the local plan that each

division must have approved by the Department of Education, the assurances the school division must provide to the department regarding elements within the local plan, and provisions of use of state funds designated for divisionwide gifted education services. The proposed revisions will allow the Virginia Board of Education to review contemporary research and best practices in the field that have occurred in the last decade and to ensure that Virginia's regulations are consistent with that information.

Statutory Authority: §§ 22.1-16 and 22.1-253.13:1 of the Code of Virginia.

Public comments may be submitted until March 8, 2006.

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.

VA.R. Doc. No. R06-163; Filed January 10, 2006, 11:27 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled **12 VAC 5-600, Waterworks Operation Fee**. The purpose of the proposed action is to remove an exemption and increase the maximum waterworks operation fee allowed.

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

Statutory Authority: §§ 32.1-12 and 32.1-171.1 of the Code of Virginia.

Public comments may be submitted until March 24, 2006.

Contact: Thomas Gray, P.E., Director of Construction Assistance/Planning, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7501, FAX (804) 864-7521 or e-mail tom.gray@vdh.virginia.gov.

VA.R. Doc. No. R06-186; Filed January 31, 2006, 2:31 p.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation And Substance Abuse Services Board intends to consider amending regulations entitled **12 VAC 35-45, Regulations for Providers of Mental Health, Mental**

Notices of Intended Regulatory Action

Retardation and Substance Abuse Residential Services for Children. The purpose of the proposed action is to add provisions for licensing providers of brain injury services in accordance with Chapter 725 of the 2005 Acts of Assembly.

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

Statutory Authority: § 37.2-203 of the Code of Virginia.

Public comments may be submitted until February 24, 2006.

Contact: Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or e-mail leslie.anderson@co.dmhmsas.virginia.gov.

VA.R. Doc. No. R06-159; Filed December 30, 2005, 2:43 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 Mental Health, Mental Retardation And Substance Abuse Services Board intends to consider amending regulations entitled **12 VAC 35-105, Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to add provisions for licensing providers of brain injury services in accordance with Chapter 725 of the 2005 Acts of Assembly.

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

Statutory Authority: § 37.2-203 of the Code of Virginia.

Public comments may be submitted until February 24, 2006.

Contact: Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or e-mail leslie.anderson@co.dmhmsas.virginia.gov.

VA.R. Doc. No. R06-161; Filed December 30, 2005, 2:40 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic.** The purpose of the proposed action is to establish standards for mixing, diluting or reconstituting sterile drug products by doctors or persons under their supervision in accordance with Chapter 475 of the 2005 Acts of the Assembly.

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

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

Public comments may be submitted until February 22, 2006.

Contact: William J. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943 or e-mail william.harp@dhp.virginia.gov.

VA.R. Doc. No. R06-148; Filed December 21, 2005, 1:51 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider adopting regulations entitled **18 VAC 85-130, Regulations Governing the Practice of Licensed Midwives.** The purpose of the proposed action is to establish new regulations for the licensure of midwives.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957.9 of the Code of Virginia.

Public comments may be submitted until February 22, 2006.

Contact: William J. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943 or e-mail william.harp@dhp.virginia.gov.

VA.R. Doc. No. R06-149; Filed December 21, 2005, 1:52 a.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to consider amending regulations entitled **18 VAC 120-30, Regulations Governing Polygraph Examiners.** The purpose of the proposed action is to increase the fees for polygraph examiners and polygraph examiner interns.

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

Statutory Authority: §§ 54.1-113 and 54.1-1802 of the Code of Virginia.

Public comments may be submitted until March 22, 2006.

Contact: Eric Olson, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or e-mail eric.olson@dpor.virginia.gov.

VA.R. Doc. No. R06-177; Filed January 23, 2006, 2:32; p.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 2.2-4002 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The department is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

Title of Regulation: 4 VAC 15-320. Fish: Fishing Generally (amending 4 VAC 15-320-100).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Date: March 21, 2006 - 9 a.m.

Public comments may be submitted until March 2, 2006.

Notice to the Public: The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendment to board regulations. A public comment period on the proposed regulations opened January 24, 2006, and remains open until March 2, 2006. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be submitted online at www.dgif.virginia.gov, e-mailed to regcomments@dgif.virginia.gov, or sent to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, Virginia 23230.

A public hearing on the advisability of adopting or amending and adopting the proposed regulation, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Tuesday, March 21, 2006, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation, or any parts thereof, is advisable in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the March 21 meeting. The regulation or regulation amendments adopted may be either more liberal or more restrictive than that proposed and being advertised under this notice.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendment eliminates the \$1.00 fee per visitor to Department of Game and Inland Fisheries-owned fish hatcheries.

4 VAC 15-320-100. Department-owned or controlled lakes, ponds, streams, boat access sites, or hatcheries; hatchery-visitor fee.

A. Motors and boats. Unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond or stream, the use of boats propelled by gasoline motors, sail or mechanically operated recreational paddle wheel is prohibited. Department employees and other government agency officials may use gasoline motors in the performance of official duties.

B. Method of fishing. Taking any fish at any department-owned or controlled lake, pond or stream by any means other than by use of one or more attended poles with hook and line attached is prohibited unless otherwise posted in which case cast nets (subject to 4 VAC 15-360-10 B) may be used for collecting nongame fish for use as bait.

C. Hours for fishing. Fishing is permitted 24 hours a day unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond, stream, or boat access site.

D. Seasons; hours and methods of fishing; size and creel limits; hunting and trapping. The open seasons for fishing, as well as fishing hours, methods of taking fish and the size, possession and creel limits, and hunting and trapping for department-owned or department-controlled lakes, ponds, streams or boat access sites shall conform to the regulations of the board unless otherwise excepted by posted rules by the director or his designee. Such posted rules shall be displayed at each lake, pond, stream or boat access site, in which case the posted rules shall be in effect. Failure to comply with posted rules concerning seasons, hours, methods of taking, bag limits, and size, possession and creel limits shall constitute a violation of this regulation.

E. Other uses. Camping overnight or building fires (except in developed and designated areas), swimming, or wading in department-owned or department-controlled lakes, ponds or streams (except by anglers, hunters and trappers actively engaged in fishing, hunting or trapping), is prohibited. All other uses shall conform to the regulations of the board unless excepted by posted rules.

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F. Fishing tournaments, etc. It shall be unlawful to organize, conduct, supervise or solicit entries for fishing tournaments, rodeos or other fishing events on lakes, ponds, or streams owned by the department, for which prizes are offered, awarded or accepted based on size or numbers of fish caught, either in money or other valuable considerations. This chapter will not prohibit events approved by the department that are intended to promote youth fishing or provide instruction, provided no prizes, as defined above, are awarded and no participation fees are charged.

~~G. The department maintains operation of and visitor access to state-owned fish hatcheries. To offset the cost of supervising visitors at the fish hatcheries, a fee of \$1.00 will be charged per visitor.~~

VA.R. Doc. No. R06-176; Filed January 18, 2006, 3:28 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-210. Virginia Water Protection Permit Program Regulation (amending 9 VAC 25-210-10, 9 VAC 25-210-50, 9 VAC 25-210-60, 9 VAC 25-210-80 through 9 VAC 25-210-115, 9 VAC 25-210-130, 9 VAC 25-210-140, 9 VAC 25-210-170, 9 VAC 25-210-180, 9 VAC 25-210-185, 9 VAC 25-210-220, 9 VAC 25-210-230, 9 VAC 25-210-260; adding 9 VAC 25-210-75, 9 VAC 25-210-116, 9 VAC 25-210-175; repealing 9 VAC 25-210-190, 9 VAC 25-210-200, and 9 VAC 25-210-210).**

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Public Hearing Dates:

March 27, 2006 - 4 p.m. (Glen Allen)
March 28, 2006 - 2 p.m. (Lynchburg)
April 4, 2006 - 2 p.m. (Woodbridge)
Public comments may be submitted until 5 p.m. on April 21, 2006.

(See Calendar of Events section for additional information)

Agency Contact: Scott Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4456, or e-mail swkudlas@deq.virginia.gov.

Basis: Section 62.1-44:15 of the Code of Virginia sets forth the board's authority to adopt regulations as it deems necessary to enforce the general water quality management program.

Section 62.1-44.15:5 of the Code of Virginia provides the board with the authority to develop Virginia Water Protection Permits.

Purpose: The goals of the proposed changes are to provide greater predictability for the applicant, increased public involvement, increased state support for project need determinations and alternatives analyses, increased flexibility for addressing public health and safety interests during

drought, and better understanding and management of the cumulative impacts of surface water withdrawals on beneficial uses. The proposed changes will allow for a more efficient and understandable permit application, and review and issuance process for surface water supply projects. In turn, this will allow for greater consistency and predictability for the public.

Substance: Exclusions. 9 VAC 25-210-60 contains significant new language outlining the nature and extent of the statutory exclusion provision for surface water withdrawals. The statutory exclusion found in § 62.1-44.15:5 G excludes those surface water withdrawals in existence on January 1, 1989, unless a new § 401 certification is required to increase the withdrawal. The statutory exclusion found in § 62.1-44.15:5 H excludes those surface water withdrawals in existence after July 1, 1989, when the § 401 certification was received before January 1, 1989, unless the withdrawal is increased beyond the amount authorized by the certification. The proposed amendments seek to characterize this excluded amount of water as that amount that can be withdrawn through the existing intake structure. Any physical changes to the intake structure in order to increase the withdrawal will require a permit. The amendments also outline under what conditions DEQ will consider an intake abandoned. Virginia currently has approximately 550 known users of surface water. Approximately 90% of these known users are excluded from the requirement of obtaining a VWPP permit for their withdrawal. The amendments also require that these excluded users furnish DEQ with an estimate of their excluded water use by providing the maximum withdrawal capacity of the intake structure. The users have one year from being notified to provide this information. This information will be used to evaluate a new permit application and to evaluate impacts on beneficial uses, including existing users.

Preapplication process for surface water projects. 9 VAC 210-75 is new. This new section establishes a preapplication review panel that the applicant can use to identify project issues associated with impacts to beneficial uses and identification of the affected stream reach for analysis of these impacts. The make up of the proposed panel will be state and federal agency staff. In addition, the applicant will have a new requirement to have a public notice for the project prior to submitting their VWP application. If requested by the public, a public information meeting shall be held. This change brings consistency across media for how public input is managed for significant projects. New landfills and major new sources of air pollution currently require a public information meeting as part of the preapplication process.

Information submitted for surface water projects. 9 VAC 25-210-80 B 2, has been amended to add additional language to the submission requirements for surface water supply project applications. These information requirements resulted from the addition of the preapplication process, clarification of what information needs to be submitted to demonstrate project purpose, need, and project alternatives analysis.

Emergency Virginia Water Protection Permit for Public Water Supplies. 9 VAC 25-210-80 B 3 has been added to address legislation (SB 399, 2003) that established Emergency VWP permits for public water supplies during drought. This change

will allow DEQ to issue expedited water withdrawal permits during drought to address inadequate public water supplies. Even though this legislative change was self-implementing, the regulation is being revised in order to spell out the administrative requirements for the permit and for regulatory consistency.

Determination of instream flow conditions/cumulative impact analyses. 9 VAC 25-210-110 A has been modified to clarify what information will be considered by DEQ in establishing instream flow permit conditions for surface water withdrawals. The new language will allow DEQ to evaluate the combined cumulative effects of upstream consumptive use in the development of instream flow conditions during the review of all permits.

Potomac Low Flow Allocation Agreement. 9 VAC 25-210-110 B has been added to begin implementation of Virginia's responsibilities as a signatory to the Potomac River Low Flow Allocation Agreement. Since 1978, Virginia's responsibilities for protecting the sustainability of water supplies in metropolitan Washington were carried out through Maryland permit programs. However, the recent Virginia v. Maryland decision by the United States Supreme Court ruling changed this situation by holding that Virginia activities in the Potomac River do not require Maryland permits. This amendment establishes that any new permittee in the Potomac River between Little Falls and the confluence of the Shenandoah River must reduce its withdrawal during restriction or emergency stages declared for the Washington Metropolitan Area by the Section for Cooperative Water Supply Operations (CO-OP).

Alternatives analysis and project need. 9 VAC 25-210-115 has been significantly reorganized and expanded. This section previously included requirements for avoidance and minimization (alternatives), mitigation, and compensation. The proposed amendments add new language for surface water withdrawal projects in 9 VAC 25-210-115 addressing the identification of project purpose, establishing the project need, and evaluating alternatives to address the established need. Language on compensation previously contained in this section has been moved to create a new section, 9 VAC 25-210-116, for clarity. The amendment was drafted to ensure that both state and federal regulators were reviewing similar information regarding the analysis of project alternatives and need.

DEQ and MRC coordination in the review of surface water projects. 9 VAC 25-210-140 A has been amended to address legislation (SB1248, 2005) that requires coordinated permit review for surface water withdrawal projects needing a Marine Resources Commission permit and an individual VWP permit. The amendment requires concurrent notice of the receipt of an application. This provision is intended to clarify and improve coordination of state agency reviews and comments for water supply projects in the permit process.

Variance from VWPP conditions. 9 VAC 25-210-175 has been added to create a variance procedure for temporary relief from VWPP permit conditions. The provisions of this section are intended to establish a series of requirements that must be met to be eligible for temporary relaxation of a VWPP permit condition during drought. The advisory committee

discussed a number of scenarios where, after exhausting expected management actions, a temporary relaxation of specific permit conditions would allow extraordinary actions to be taken to avoid a public health or safety emergency. This change is intended to provide necessary flexibility to address circumstances similar to those that occurred during the last drought while still protecting beneficial uses.

Administrative changes. Numerous administrative and editorial changes have been made throughout the regulation. There have been a number of changes to the wetland general permits that resulted in changes in definitions, terminology, language, and application filing requirements. These changes in the general permit regulation became effective on January 26, 2005. The proposed amendments incorporate these changes into this regulation. In addition, a number of organization changes were made to consolidate sections for clarity. In these cases, language was generally transferred in verbatim form.

Issues: The primary advantage to the public is an additional opportunity for involvement that occurs prior to the filing of the VWPP application and an assurance that DEQ will be looking at the cumulative affects of new withdrawals on all beneficial uses. The amended regulation also provides greater regulatory flexibility for addressing public health and safety issues with public water supplies or other essential public services during times of drought.

The primary advantage of these changes to the regulated community relates to the improved clarity and predictability of the application process and the opportunity to identify potentially critical project issues through the use of the preapplication review panel before submitting an application. The revised regulation allows an applicant to get "credit" or recognition in the regulatory process for work done to meet the requirements of the local and regional water supply planning process. Work done in demonstrating local need and public outreach will be able to be used to meet regulatory requirements under certain conditions. This will eliminate potential duplication of effort.

The primary advantage of these changes to the Commonwealth relate to the comprehensiveness of the overall surface water management strategy. Applications should be processed more predictably and more quickly due to: early identification of problems with a project due to improved planning and use of the preapplication review panel; the potential for increased public support for these projects through additional public information opportunities; and improved project need and alternatives analyses due to greater clarity in what must be evaluated by the applicant. Another significant advantage to the Commonwealth is that the implementation of this regulation will give the DEQ a much better understanding and quantification of the extent of the water use excluded from the permit program.

DEQ anticipates that once the total amount of excluded water use is known, some river basins will be near their capacity to meet the necessary demands of all existing beneficial uses during times of low flow. If some river basins are at or near capacity, a number of important regulatory and policy decisions will need to be made. In the short term, applicants may move toward off-stream impoundments that rely on

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pumping during higher than normal flows to meet their needs. However, there is a reasonable likelihood that resolution of this issue will become a legislative matter sometime in the future.

Additional work is needed to address consumptive uses in the Potomac River basin to reach the level of implementation by Maryland to protect the water supplies in metropolitan Washington during low flow periods. Over the years, a complex arrangement of flow augmentation responsibilities has developed based in part on the level of consumptive use by individual withdrawals. The political and technical issues associated with implementing a basin-wide program comparable to that implemented by Maryland were too great to manage during the consensus process for these amendments.

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 State Water Control Board (the board) proposes to make substantive changes to the Virginia Water Protection Permit Regulations that deal with (1) the Coordinated Review of Water Resource Projects and (2) Emergency Virginia Water Protection Permits.

Major changes include:

1. A clarification of which water withdrawals are excluded from the permit requirement and under what conditions.
2. The institution of a new preapplication panel for permit applicants requesting surface water supply permits.
3. The creation of a new public information meeting process and permit procedure for surface water projects which requires public notice.
4. The creation of an Emergency Virginia Water Protection Permit for public water supplies during drought.
5. The inclusion of new language regarding permit conditions for withdrawals in the Potomac River consistent with the Potomac Low Flow Allocation Agreement.

Estimated economic impact. The board proposes several amendments to the Virginia Water Protection Permit regulations that are designed to provide greater predictability for permit applicants, increase public involvement, increase flexibility for addressing public health and safety issues during drought, and a more efficient and understandable permit

application, review, and issuance process for surface water supply projects.

The proposed amendments are expected to result in certain advantages to the public, to the regulated community, and to the Department of Environmental Quality (DEQ) and the Commonwealth of Virginia. The primary advantages to the public are the additional opportunities for involvement that will take place prior to the filing of the Virginia Water Protection Permit Application and the assurance that DEQ will review the cumulative effects of new withdrawals. The amended regulations will also create greater regulatory flexibility for addressing public safety issues with public water supplies during times of drought. The primary advantages to the regulated community relate to the improved clarity and predictability of the application process and the opportunity to identify potentially critical project issues through the preapplication panel prior to submitting an application. The primary advantages to DEQ and the Commonwealth of Virginia relate to the increased comprehensiveness of the overall surface water management strategy that will result in applications being processed more quickly and predictably. Another important advantage to DEQ and the Commonwealth of the implementation of the proposed regulations will be that it will provide DEQ with a better understanding of the extent of water use that is excluded from the permit program.

The economic impact of each of the five major changes to the Virginia Water Protection Permit Regulations and the Coordinated Review of Water Resource Projects listed above will be analyzed below.

A clarification of which water withdrawals are excluded from the permit requirement and under what conditions. This change will not have a significant economic impact because it basically clarifies practices that are already in place and practiced by the board and only applies to a relatively small number of permit holders. Currently, there are an estimated 490 surface water permit users in Virginia, but only 40 are required to get permits.

The institution of a new preapplication panel and public information meeting process for surface water projects. This change provides for a preapplication review panel to be convened at the request of an applicant for a Virginia Water Protection Permit. The makeup of the panel will be state and federal agency staff. The applicant, if he requests a panel, is required to provide for publication of notice and if requested by any person then must hold at least one public meeting at his own expense.

Another proposed amendment provides that the initial application for surface water projects that requires both a Virginia Water Protection Permit and a Virginia Marine Resources Permit shall be advertised concurrently by both agencies and paid for by the applicant.

A further proposed amendment provides that every draft Virginia Water Protection Permit application except emergency permits and variances shall provide for public notice paid for by the permit applicant. The intent of the agency (DEQ) in introducing the proposed amendments relating to the preapplication review panel and the public notice requirements for all permit applicants is to lessen the

rejection of Virginia Water Protection Permits by reducing the objections and opposition ahead of time. Historically the rejection rate for permits has been quite low with only three rejections recorded since the early 1980s, out of approximately 120 permit applications. Traditionally, the differences between the involved parties has been negotiated to a favorable conclusion for permit issuance. In practice, this requirement to provide public notice for all permit applications may be significantly beneficial for affected members of the public who would not have heard about the permit applications. Neighboring residents and businesses can be potentially affected by excessive water withdrawals. The required public notice will increase the likelihood that such affected neighbors will become informed of the situation and provide their concerns to the board. Potentially, this may affect the likelihood of permit approval or disapproval or the nature of the permit.

The adoption of these proposed amendments will result in additional costs to permit applicants who otherwise would not have provided public notice. However, the public notice and public meeting requirement costs to applicants are not expected to be significant. For instance, DEQ estimates that the average cost of local public meetings is \$300. However, public meeting costs can vary significantly based on meeting amenities, extent of public mailings, the provision of extensive fact sheets or posters, and the level of consultant participation. It should be pointed out that the public meeting costs are primarily controlled by the permit applicant who can choose the level of meeting amenities desired. Although the new public meeting requirement will increase the costs to permit applicants, it should be noted that currently many permit applicants, estimated by DEQ to be more than half of all applicants, conduct public information meetings as a routine part of their project development process. In addition, the number of applicants who hold public meetings in any given year is quite small, averaging only four to six applicants per year in recent years. As a result of these considerations, it is expected that the adoption of the proposed regulations will not have a significant economic impact on applicants for surface water permits. However, although the intent of DEQ in introducing the proposed public notice requirements for all permits is to reduce permit rejections, it may result in additional objections from parties who may not have been aware of the certain permit applications without public notice.

Another amendment calls for the creation of an Emergency Virginia Water Protection Permit for public water supplies during drought. This change allows the board to grant a variance or modification to a Virginia Water Protection Permit during drought conditions by issuing an Emergency Virginia Water Protection Permit for public water supplies. The emergency permits were not previously in the board's regulations. The emergency cannot exceed one year in duration and the cost of the permit, which is set by the General Assembly, is half the cost of applicant's standard or general permit, which ranges from \$10,000 to \$35,000 based on withdrawal conditions. The intent of the proposed legislation to create an Emergency Virginia Water Protection Permit is to provide relief to surface water permit holders and their customers during drought conditions by allowing greater levels of water extraction. The emergency permit applies only to municipal water supply systems and would impact four to

five water suppliers based on the experience in the most recent drought. The adoption of this regulation will provide relief to water suppliers and their customers and reduce the losses of both groups during drought conditions.

The inclusion of new language regarding permit conditions for withdrawals in the Potomac River consistent with the Potomac Low Flow Allocation Agreement. This section was enacted in response to a recent United States Supreme Court ruling to begin implementation of Virginia's responsibilities as a signatory to the Potomac Low Flow Allocation Agreement. Since 1978, Virginia's responsibilities were carried out through Maryland permit programs. However, the Supreme Court decision changed this situation by holding that Virginia activities in the Potomac River did not require Maryland permits. This proposed regulation includes new language regarding permit conditions for withdrawals in the Potomac River consistent with the Potomac Low Flow Allocation Agreement.

This proposed regulation is expected to have minimal economic impact because it applies to only one small municipal water user in Leesburg, Virginia, and does not significantly impact the user.

Businesses and entities affected. DEQ has only very preliminary estimates of the number of businesses and especially small businesses that would be affected by the proposed regulations. These estimates are based on existing water use data of those facilities reporting prior to 1990 and show as many as 150 commercial operations, 80 manufacturing operations, and 10 mining operations classified as small businesses that may be affected. However, some of these operations may be statutorily excluded users or may fall under the employment level or be above the gross annual sales level used to define small businesses. In addition, some of these businesses may also be eligible for the proposed general permit for surface water withdrawals which will reduce compliance costs.

Locality particularly affected. The proposed amendments do not disproportionately affect particular Virginia localities.

Projected impact on employment. Due to the small numbers of water users impacted by the proposed amendments, there is expected to be only a minimal impact on employment. In addition two other factors serve to mitigate any adverse impact on employment levels that might result from the adoption of the proposed amendments. The first is the highly automated nature of the water withdrawal industry which requires very low levels of employment operate. The average employment level of water withdrawers in Virginia is five workers, including even the very largest water withdrawal operations. Historically, few, if any, of these withdrawal operations have gone out of business and very few have suffered any significant losses. The second factor is the proposed emergency permit, which if enacted, would serve to lessen any potential financial and employment losses by water suppliers and their customers during drought conditions.

Impact on the use and value of private property. The proposed regulatory amendments are expected to have only a minimal impact on the use and value of private property due to the small number of water users affected by the proposed

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amendments. However, private water permit applicants could be impacted by the costs of the proposed public notice.

Small businesses: costs and other effects. The DEQ has only very preliminary estimates of the number of small businesses that might be affected by the proposed amendments. However, it is expected that a number of small businesses may be statutorily excluded users, or may not meet employment or annual sales requirements used to define small businesses, or may qualify for the proposed general permit for surface water withdrawal, which will reduce the costs of compliance. However, small business water permit applicants could be impacted by the costs of the proposed public notice and public meeting requirements.

Small businesses: alternative method that minimizes adverse impact. The amendments do not adversely affect small businesses based on currently available information.

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

Summary:

The proposed amendments (i) clarify which water withdrawals are excluded from the permit requirement and under what conditions; (ii) institute a new preapplication panel and public information meeting process for surface water projects; (iii) create an Emergency Virginia Water Protection Permit for public water supplies during drought; (iv) include new language regarding permit conditions for withdrawals in the Potomac River consistent with the Potomac Low Flow Allocation Agreement; (v) define what information will be considered in the evaluation of cumulative impacts to instream flow; (vi) clarify what information is submitted by the applicant to demonstrate that an alternatives analysis has been conducted; (vii) create a new variance provision to address temporary relaxation of permit conditions during drought; and (viii) establish a new joint public notice process for surface water projects requiring both a VWPP and a Virginia Marine Resources Permit.

There are also a number of administrative amendments that will allow for a more efficient and understandable application, review and issuance process.

9 VAC 25-210-10. Definitions.

Unless a different meaning is required by the context, the following terms as used in this chapter, shall have the following meanings:

"Act" or "Clean Water Act" means 33 USC § 1251 et seq. as amended 1987.

"Adjacent" means bordering, contiguous or neighboring; wetlands separated from other surface water by man-made dikes or barriers, natural river berms, sand dunes and the like are adjacent wetlands.

"Affected stream reach" means the portion of a surface water body beginning at the location of a withdrawal and ending at a

point where effects of the withdrawal are not reasonably expected to adversely affect beneficial uses.

"Applicant" means a person applying for a VWP individual permit or VWP general permit authorization.

~~"Aquatic resources"~~ or "Aquatic environment" ~~mean~~ means surface waters and the habitat they provide, including both plant and animal communities.

"Avoidance" means not taking or modifying a proposed action or parts of an action so that there is no adverse impact to the aquatic environment.

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to: the protection of fish and wildlife habitat; maintenance of waste assimilation; recreation; navigation; and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to: domestic (including public water supply); agricultural; electric power generation; and commercial and industrial uses.

"Best management practices (BMPs)" means a schedule of activities, prohibition of practices, maintenance procedures and other management practices that prevent or reduce the pollution of surface waters.

"Board" means the State Water Control Board.

"Channelization of streams" means alteration of a stream by widening, deepening, straightening, cleaning, or paving.

~~"Code" means the Code of Virginia.~~

"Compensation" or "compensatory mitigation" means actions taken that provide some form of substitute aquatic resource for the impacted aquatic resource.

"Consumptive water use" means the withdrawal of surface waters, without recycle of said waters to their source or basin of origin.

"Creation" means the establishment of a wetland or other aquatic resource where one did not formerly exist.

"Cross-sectional sketch" means a scaled graph or plot that represents the plane made by cutting across an object at right angles to its length. For purposes of this regulation, objects may include, but are not limited to, a surface water body or a portion of it, a man-made channel, an above-ground structure, a below-ground structure, a geographical feature, or the ground surface itself.

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

"Discharge" means, when used without qualification, a discharge of a pollutant, or any addition of any pollutant or combination of pollutants, to state waters or waters of the contiguous zone or ocean other than a discharge from a vessel or other floating craft when being used as a means of transportation.

"Draft VWP permit" means a document indicating the board's tentative decision relative to a VWP permit action.

"Draining" means human-induced activities such as ditching, excavation, installation of tile drains, hydrologic modification by surface water runoff diversion, pumping water from wells, or similar activities such that the activities have the effect of artificially dewatering the wetland or altering its hydroperiod.

"Dredged material" means material that is excavated or dredged from surface waters.

"Dredging" means a form of excavation in which material is removed or relocated from beneath surface waters.

"Drought" means that a Severe Intensity Drought (D2) has been declared by the weekly "U.S. Drought Monitor" for the location in which the withdrawal is located.

"Ecologically preferable" means capable of providing a higher likelihood of replacing existing wetland or stream functions and values, water quality and fish and wildlife resources than alternative proposals.

"Emergency Virginia Water Protection Permit" means a Virginia Water Protection Permit issued pursuant to § 62.1-44.15:5 J of the Code of Virginia authorizing a new or increased surface water withdrawal to address insufficient public drinking water supplies that are caused by a drought and may result in a substantial threat to human health or public safety.

"Enhancement" means activities conducted in existing wetlands or other portions of the aquatic resources environment that increase one or more aquatic functions or values.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Fill" means replacing portions of surface water with upland, or changing the bottom elevation of a surface water for any purpose, by placement of any pollutant or material including but not limited to rock, sand, earth, and man-made materials and debris.

"Fill material" means any pollutant which replaces portions of surface water with dry land or which changes the bottom elevation of a surface water for any purpose.

"General permit" means a permit authorizing a specified category of activities.

"Geographic area of a delineated wetland" means the area contained within and up to a wetland boundary determined by delineation methods consistent with this chapter.

"Impacts" means results caused by human-induced activities conducted in surface waters, as specified in § 62.1-44.15.5 D of the Code of Virginia.

"Impairment" means the damage, loss or degradation of the functions and values of state waters.

"In-lieu fee fund" means a monetary fund operated by a nonprofit organization or governmental agency which receives financial contributions from persons impacting wetlands or streams pursuant to an authorized permitted activity and which expends the moneys received to provide consolidated compensatory mitigation for permitted wetland or stream impacts.

"Intake structure" means any portion of a withdrawal system used to withdraw surface water that is located within the surface water, such as, but not limited to, a pipe, culvert, hose, tube, or screen.

"Isolated wetlands of minimal ecological value" means those wetlands that: (i) do not have a surface water connection to other state waters; (ii) are less than one-tenth of an acre (0.10 acre or 4,356 square feet) in size; (iii) are not located in a Federal Emergency Management Agency designated 100-year floodplain; (iv) are not identified by the Virginia Natural Heritage Program as a rare or state significant natural community; (v) are not forested; and (vi) do not contain listed federal or state threatened or endangered species.

"Joint Permit Application (JPA)" means an application form that is used to apply for permits from the Norfolk District Army Corps of Engineers, the Virginia Marine Resources Commission, the Virginia Department of Environmental Quality, and local wetland boards for work in waters of the United States and in surface waters of Virginia.

"Law" means the State Water Control Law of Virginia.

"Minimization" means lessening impacts by reducing the degree or magnitude of the proposed action and its implementation.

"Mitigation" means sequentially avoiding and minimizing impacts to the maximum extent practicable, and then compensating for remaining unavoidable impacts of a proposed action.

"Mitigation bank" means a site providing off-site, consolidated compensatory mitigation that is developed and approved in accordance with all applicable federal and state laws or regulations for the establishment, use and operation of mitigation banks, and is operating under a signed banking agreement.

"Mitigation banking" means compensating for unavoidable wetland or stream losses in advance of development actions through the sale, purchase or use of credits from a mitigation bank.

"Multi-project mitigation site" means an area of wetland restoration, creation, enhancement and, in appropriate circumstances, preservation of wetlands or streams or upland buffers adjacent to wetlands or other state waters, that is or has been utilized to meet compensation requirements for more than one project but that is not a mitigation bank.

"Nationwide permit" means a general permit issued by the USACE under 40 CFR Part 241 and, except where suspended by individual USACE Corps District, applicable nationwide.

"Normal agricultural activities" means those activities defined as an agricultural operation in § 3.1-22.29 of the Code of Virginia and any activity that is conducted as part of or in furtherance of such agricultural operation, but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 USC § 1344 or any regulations promulgated pursuant thereto.

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"Normal residential gardening, lawn and landscape maintenance" means ongoing noncommercial residential activities conducted by or on behalf of an individual occupant, including mowing, planting, fertilizing, mulching, tilling, vegetation removal by hand or by hand tools, placement of decorative stone, fencing and play equipment. Other appurtenant noncommercial activities, provided that they do not result in the conversion of a wetland to upland or to a different wetland type, may also be included.

"Normal silvicultural activities" means any silvicultural activity as defined in § 10.1-1181.1 of the Code of Virginia, and any activity that is conducted as part of or in furtherance of such silvicultural activity, but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 USC § 1344 or any regulations promulgated pursuant thereto.

"Out-of-kind mitigation" means compensatory mitigation that does not replace the same type of wetland or surface water as was impacted, but does replace lost wetland or surface water functions, values, or beneficial uses.

"Permanent flooding or impounding" means ~~an~~ a permanent increase in the duration or depth of standing water on a land surface, ~~other than~~ such as from a dam. *Permanent increases in duration or depth of standing water that result from extended-detention basins and enhanced extended-detention basins, when designed, constructed, and maintained to function in accordance with Virginia Department of Conservation and Recreation (DCR) standards for such facilities (Virginia Stormwater Management Handbook, First Edition, 1999, Volume 1, Chapter 3), or when designed in accordance with local standards that, at a minimum, meet the DCR standards, are not considered to be permanent flooding and impounding.*

"Permanent impacts" are those impacts to surface waters, including wetlands, that cause a permanent alteration of the physical, chemical, or biological properties of the surface waters or of the functions and values of a wetland.

"Permittee" means the person who holds a VWP individual or general permit.

"Person" means ~~any firm~~ one or more individuals, a corporation, a partnership, an association, ~~or partnership, one or more individuals,~~ a governmental body, a municipal corporation, or any governmental unit or agency of it other legal entity.

"Plan view sketch" means a scaled graph or plot that represents the view of an object as projected onto orthogonal planes. For purposes of this regulation, objects may include, but are not limited to, structures, contours, or boundaries.

"Pollutant" means any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to pollution.

"Pollution" means such alteration of the physical, chemical or biological properties of any state waters as will or is likely to create a nuisance or render such waters: (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible

future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses; provided that (a) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and (c) contributing to the contravention of standards of water quality duly established by the board, are "pollution" for the terms and purposes of this chapter.

"Potomac River Low Flow Allocation Agreement" means the agreement among the United States of America, the State of Maryland, the Commonwealth of Virginia, the District of Columbia, the Washington Suburban Sanitation Commission, and the Fairfax County Water Authority dated January 11, 1978, consented to by Congress in § 181 of the Water Resources Development Act of 1976, Public Law 94-587, as modified on April 22, 1986.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.

"Preservation" means the protection of resources in perpetuity through the implementation of appropriate legal and physical mechanisms.

"Profile sketch" means a scaled graph or plot that represents the side view of an object. For purposes of this regulation, objects may include, but are not limited to, a surface water body or a portion of it, a man-made channel, an above-ground structure, a below-ground structure, a geographical feature, or the ground surface itself.

"Public hearing" means a fact finding proceeding held to afford interested persons an opportunity to submit factual data, views and comments to the board pursuant to the board's Procedural Rule No. 1 - *Public and Formal Hearing Procedures* (9 VAC 25-230-40 ~~et seq.~~).

"Regional permit" means a general permit issued by the USACE under 40 CFR Part 241 and applicable within a specified geographic area.

"Restoration" means the reestablishment of a wetland or other aquatic resource in an area where it previously existed. Wetland restoration means the reestablishment of wetland hydrology and vegetation in an area where a wetland previously existed. Stream restoration means the process of converting an unstable, altered or degraded stream corridor, including adjacent areas and floodplains, to its natural conditions.

"Riprap" means a layer of material such as stone or chunks of concrete on an embankment slope for the purpose of preventing erosion.

"Schedule of compliance" means a schedule of remedial measures including a sequence of enforceable actions or operations leading to compliance with the Act, the law, and the board regulations, standards and policies.

"Section 401" means § 401 of the Clean Water Act, or 33 USC § 1341, as amended 1987.

"Section for Cooperative Water Supply Operations on the Potomac (CO-OP)" means a section of the Interstate Commission on the Potomac River Basin designated by the Water Supply Coordination Agreement as responsible for coordination of water resources during times of low flow in the Potomac River.

"Significant alteration or degradation of existing wetland acreage or function" means human-induced activities that cause either a diminution of the areal extent of the existing wetland or cause a change in wetland community type resulting in the loss or more than minimal degradation of its existing ecological functions.

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

"Surface water" means all state waters that are not ground water as defined in § 62.1-255 of the Code of Virginia.

"Surface water supply project" means a project that withdraws or diverts water from a surface water body for consumptive or nonconsumptive purposes thereby altering the hydrologic regime of the surface water body. Projects that do not alter the hydrologic regime or that alter the hydrologic regime but whose sole purpose is flood control or storm water management are not included in this definition.

"Temporary impacts" means those impacts to surface waters, including wetlands, that do not cause a permanent alteration of the physical, chemical or biological properties of the surface water or of the functions and values of a wetland. Temporary impacts include activities in which the ground is restored to its preconstruction contours and elevations, such that previous functions and values are restored.

"Toxic pollutant" means any agent or material including, but not limited to, those listed under § 307(a) of the Act (33 USC § 1317(a)), which after discharge will, on the basis of available information, cause toxicity. Toxicity means the inherent potential or capacity of a material to cause adverse effects in a living organism, including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

"Undesirable species" means any species that invades, naturally colonizes, or otherwise dominates a compensatory mitigation site or mitigation bank and may cause or contribute to the failure of the vegetative success criteria for a particular compensatory mitigation site or mitigation bank.

"USACE" means the United States Army Corps of Engineers.

"VMRC" means the Virginia Marine Resources Commission.

"VWP general permit" means a regulation that constitutes a VWP permit for a category of activities.

"VWP permit" means an individual or general permit issued by the board under § 62.1-44.15:5 of the Code of Virginia that authorizes activities otherwise unlawful under § 62.1-44.5 of the Code of Virginia or otherwise serves as the Commonwealth of Virginia's § 401 certification.

"Water quality standards" means water quality standards adopted by the board and approved by the administrator of the EPA under § 303 of the Act as defined at 9 VAC 25-260-5 ~~et seq.~~

"Water Supply Coordination Agreement" means the agreement among the United States of America, the Fairfax County Water Authority, the Washington Suburban Sanitary Commission, the District of Columbia, and the Interstate Commission on the Potomac River Basin, dated July 22, 1982, which establishes agreement among the suppliers to operate their respective water supply systems in a coordinated manner and which outlines operating rules and procedures for reducing impacts of severe droughts in the Potomac River Basin.

"Water supply emergency" means a substantial threat to public health or safety due to insufficient public drinking water supplies caused by drought.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Withdrawal system" means any device or combination of devices used to withdraw surface water, such as, but not limited to, a machine, pump, pipe, culvert, hose, tube, screen, or fabricated concrete or metal structure.

9 VAC 25-210-50. Prohibitions and requirements for VWP permits.

A. Except in compliance with a VWP permit, no person shall dredge, fill or discharge any pollutant into, or adjacent to surface waters, or withdraw surface water, or otherwise alter the physical, chemical or biological properties of surface waters, excavate in wetlands, or on or after October 1, 2001, conduct the following activities in a wetland:

1. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
2. Filling or dumping;
3. Permanent flooding or impounding; or
4. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

B. No VWP permit shall be issued for the following:

1. Where the proposed activity or the terms or conditions of the VWP permit do not comply with state law or regulations including but not limited to § 10.1-1408.5 of the Code of Virginia;
2. For the discharge of any radiological, chemical or biological warfare agent or high level radioactive material into surface waters.

9 VAC 25-210-60. Exclusions.

The following do not require a VWP permit but may require other permits under state and federal law:

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1. Discharges of dredged or fill material into state waters, excepting wetlands, which are addressed under a USACE Regional, General or Nationwide Permit, and for which no § 401 Water Quality Certificate is required.

2. Any discharge, other than an activity in a surface water governed by § 62.1-44.15:5 of the Code of Virginia, permitted by a Virginia Pollutant Discharge Elimination System (VPDES) permit in accordance with 9 VAC 25-31-~~10 et seq.~~

3. Any activity, other than an activity in a surface water governed by § 62.1-44.15:5 of the Code of Virginia, permitted by a Virginia Pollution Abatement (VPA) permit in accordance with 9 VAC 25-32-~~40 et seq.~~

4. Septic tanks, when authorized by a state Department of Health permit.

5. Any activity permitted under Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, unless state certification is required by § 401 of the Clean Water Act.

6. Normal residential gardening, lawn and landscape maintenance *in a wetland*.

7. Normal agriculture and silviculture activities *in a wetland* such as plowing, seeding, cultivating, minor drainage and harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices.

a. To fall under this exclusion, the activities specified in subdivision 7 of this section must be part of an established (i.e., ongoing) agriculture or silviculture, operation, and must be in accordance with applicable best management practices set forth in either Forestry Best Management Practices for Water Quality in Virginia Technical Guide (Third Edition, 1997) or Virginia Agricultural BMP Manual (2000), which facilitate compliance with the § 404(b)(1) Guidelines (40 CFR Part 230). Activities on areas lying fallow as part of a conventional rotational cycle are part of an established operation.

b. Activities which bring a new area into agricultural or silvicultural use are not part of an established operation. An operation ceases to be established when the area in which it was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operation. If the activity takes place outside surface waters, it does not need a VWP permit, whether or not it is part of an established agriculture or silviculture operation.

c. For the purposes of subdivision 7 of this section, cultivating, harvesting, minor drainage, plowing, and seeding are defined as follows:

(1) "Cultivating" means physical methods of soil treatment employed within established agriculture and silviculture lands on farm or forest crops to aid and improve their growth, quality, or yield.

(2) "Harvesting" means physical measures employed directly upon farm, forest, or crops within established agricultural and silviculture lands to bring about their

removal from farm or forest land, but does not include the construction of farm or forest roads.

(3) "Minor drainage" means:

(a) The discharge of dredged or fill material incidental to connecting upland drainage facilities to surface waters, adequate to effect the removal of excess soil moisture from upland croplands. Construction and maintenance of upland (dryland) facilities, such as ditching and tiling incidental to the planting, cultivating, protecting, or harvesting of crops;

(b) The discharge of dredged or fill material for the purpose of installing ditching or other water control facilities incidental to planting, cultivating, protecting, or harvesting of rice, or other wetland crop species, where these activities and the discharge occur in surface waters which are in established use for such agricultural and silviculture wetland crop production;

(c) The discharge of dredged or fill material for the purpose of manipulating the water levels of, or regulating the flow or distribution of water within, existing impoundments which have been constructed in accordance with applicable requirements of the Act, and which are in established use for the production of rice, or other wetland crop species;

(d) The discharge of dredged or fill material incidental to the emergency removal of sandbars, gravel bars, or other similar blockages which are formed during flood flows or other events, where such blockages close or constrict previously existing drainageways and, if not promptly removed, would result in damage to or loss of existing crops or would impair or prevent the plowing, seeding, harvesting or cultivating of crops on land in established use for crop production. Such removal does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected drainageway as it existed prior to the formation of the blockage. Removal must be accomplished within one year after such blockages are discovered in order to be eligible for exclusion; and

(e) Minor drainage in surface waters is limited to drainage within areas that are part of an established agriculture or silviculture operation. It does not include drainage associated with the immediate or gradual conversion of a wetland to a nonwetland (~~e.g.~~ *for example*, wetland species to upland species not typically adapted to life in saturated soil conditions), or conversion from one wetland use to another (for example, silviculture to agriculture). In addition, minor drainage does not include the construction of any canal, ditch, dike or other waterway or structure which drains or otherwise significantly modifies a stream, lake, swamp, bog or any other wetland or aquatic area constituting surface water. Any discharge of dredged or fill material into surface water incidental to the construction of any such structure or waterway requires a VWP permit.

(4) "Plowing" means all forms of primary tillage, including moldboard, chisel, or wide-blade plowing, discing, harrowing, and similar physical means used on farm or forest land for the breaking up, cutting, turning over, or stirring of soil to prepare it for the planting of crops. Plowing does not include the redistribution of soil, rock, sand, or other surficial materials in a manner which changes any area of surface water to dry land. For example, the redistribution of surface materials by blading, grading, or other means to fill in wetland areas is not plowing. Rock crushing activities which result in the loss of natural drainage characteristics, the reduction of water storage and recharge capabilities, or the overburden of natural water filtration capacities does not constitute plowing. Plowing as described above will never involve a discharge of dredged or fill material.

(5) "Seeding" means the sowing of seed and placement of seedlings to produce farm or forest crops and includes the placement of soil beds for seeds or seedlings on established farm and forest lands.

8. Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, groins, levees, dams, riprap breakwaters, causeways, bridge abutments or approaches, and transportation and utility structures. Maintenance does not include modifications that change the character, scope, or size of the original design. In order to qualify for this ~~exemption~~ *exclusion*, emergency reconstruction must occur within a reasonable period of time after damage occurs.

9. Construction or maintenance of farm or stock ponds or irrigation ditches *in a wetland*, or the maintenance (but not construction) of drainage ditches *in a wetland*. Discharge associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures, and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exclusion. The maintenance dredging of existing ditches is included in this exclusion provided that the final dimensions of the maintained ditch do not exceed the average dimensions of the original ditch. This exclusion does not apply to the construction of new ditches or to the channelization of streams.

10. Construction of temporary sedimentation basins on a construction site which does not include the placement of fill materials into surface waters or excavation in wetlands. The term "construction site" refers to any site involving the erection of buildings, roads, and other discrete structures and the installation of support facilities necessary for construction and utilization of such structures. The term "construction site" also includes any other land areas which involve land-disturbing excavation activities, including quarrying or other mining activities, where an increase in run-off of sediment is controlled through the use of temporary sedimentation basins.

11. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained in accordance with applicable best management practices (BMPs) set forth in either Forestry Best Management

Practices for Water Quality in Virginia, Technical Guide, Third Edition, 1997, or Virginia Agricultural BMP Manual, 2000, to ensure that flow and circulation patterns and chemical and biological characteristics of surface waters are not impaired, that the reach of such waters is not reduced, and that any adverse effect on the aquatic environment will otherwise be minimized. The BMPs which must be applied to satisfy this provision include the following baseline provisions:

a. Permanent roads (for agriculture or forestry activities), temporary access roads (for mining, forestry, or farm purposes), and skid trails (for logging) in surface waters shall be held to the minimum feasible number, width, and total length consistent with the purpose of specific agriculture, silviculture or mining operations, and local topographic and climatic conditions;

b. All roads, temporary or permanent, shall be located sufficiently far from streams or other water bodies (except for portions of such roads which must cross water bodies) to minimize discharges of dredged or fill material into surface waters;

c. The road fill shall be bridged, culverted, or otherwise designed to prevent the restriction of expected flood flows;

d. The fill shall be properly stabilized and maintained to prevent erosion during and following construction;

e. Discharges of dredged or fill material into surface waters to construct road fill shall be made in a manner which minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within state waters (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself;

f. In designing, constructing, and maintaining roads, vegetative disturbance in surface waters shall be kept to a minimum;

g. The design, construction and maintenance of the road crossing shall not disrupt the migration or other movement of those species of aquatic life inhabiting the water body;

h. Borrow material shall be taken from upland sources whenever feasible;

i. The discharge shall not take, or jeopardize the continued existence of a state- or federally- listed threatened or endangered species as defined under the Endangered Species Act (16 USC § 1531 et seq.), in § 29.1-566 of the Code of Virginia and in 4 VAC 15-20-130 B and C, except as provided in § 29.1-568 of the Code of Virginia, or adversely modify or destroy the critical habitat of such species;

j. Discharges into the nesting and breeding areas for migratory waterfowl, spawning areas, and wetlands shall be avoided if practical alternatives exist;

k. The discharge shall not be located in proximity of a public water supply or intake;

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l. The discharge shall not occur in areas of concentrated shellfish production;

m. The discharge shall not occur in a component to the National Wild and Scenic River System;

n. The discharge material shall consist of suitable material free from toxic pollutants in toxic amounts; and

o. All temporary fills shall be removed in their entirety and the area restored to its original elevation.

12. Any surface water withdrawal in existence on July 1, 1989; however, a permit shall be required if a new § 401 certification is required to increase a withdrawal. To qualify for this exclusion, the surface water withdrawal shall be deemed to be in existence on July 1, 1989, if there was an actual withdrawal on or before that date that has not been abandoned.

a. *Abandonment of a surface water withdrawal.* A surface water withdrawal shall be deemed to be abandoned if the owner of the withdrawal system (i) notifies the DEQ in writing that the withdrawal has been abandoned or (ii) removes or disables the withdrawal system with the intent to permanently cease such withdrawal. Transfer of ownership or operational control of the withdrawal system, a change in use of the water, or temporary cessation of the withdrawal shall not be deemed evidence of abandonment. The notification shall be signed by the owner of record or shall include evidence satisfactory to the DEQ that the signatory is authorized to submit the notice on behalf of the owner of record. Evidence may include, but shall not be limited to, a resolution of the governing body of the owner or corporate minutes.

b. *Information to be furnished to the DEQ.* Each owner or operator of a permanent withdrawal system engaging in a withdrawal that is subject to this exclusion shall provide the DEQ the estimated maximum capacity of the intake structure, the location of the existing intake structure and any other information that may be required by the board. Each owner or operator of a temporary withdrawal system engaging in a withdrawal that is subject to this exclusion, where the purpose of the withdrawal is for agriculture, shall provide to the DEQ the maximum annual surface water withdrawal over the last 10 years. The information shall be provided within one year of the date that notification of abandonment is received by the DEQ and shall be updated when the maximum capacity of the existing intake structure changes. The information provided to the DEQ shall not constitute a limit on the exempted withdrawal. Such information shall be utilized by the DEQ and board to protect existing beneficial uses and shall be considered when evaluating applications for new withdrawal permits.

13. Any surface water withdrawal not in existence on July 1, 1989, if the person proposing to make the withdrawal received a § 401 certification before January 1, 1989, with respect to installation of any necessary withdrawal structures to make such withdrawal; however, a permit shall be required before any such withdrawal is increased beyond the amount authorized by the certification.

PART II.

VWP PERMIT APPLICATION AND DEVELOPMENT.

9 VAC 25-210-75. Preapplication procedures for a VWP permit for surface water supply projects.

A. *Preapplication review panel.* At the request of an applicant for a surface water supply projects, a preapplication review panel shall be convened prior to submission of a VWP application upon request by a potential applicant to the Department of Environmental Quality. The preapplication review panel shall assist potential applicants that are proposing surface water supply projects with the early identification of issues related to the protection of beneficial instream and offstream uses of state waters and the identification of the affected stream reach. The DEQ shall notify the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Virginia Department of Game and Inland Fisheries, the Virginia Department of Conservation and Recreation, the Virginia Department of Health, the Corps of Engineers, the U.S. Fish and Wildlife Service, the Environmental Protection Agency and any other appropriate local, state, and federal agencies of the preapplication review panel request. These agencies shall participate to the extent practical in the preapplication review panel by providing information and guidance on the potential natural resource impacts and regulatory implications of the options being considered by the applicant and shall provide comments within 60 days of the initial meeting of the preapplication panel.

B. *Preapplication public notice.* For new or expanded surface water supply projects requiring an individual VWP permit, a potential applicant shall provide information on the project, shall provide an opportunity for public comment on the proposed project, and shall assist in identifying public concerns or issues prior to filing a VWP individual permit application.

1. Except as provided in this subsection, the potential applicant shall provide for publication of notice once a week for two consecutive weeks in a newspaper of general circulation serving the locality where the surface water supply project is proposed to be located.

2. If requested by any person, the potential applicant shall hold at least one public information meeting. Notice of any public information meeting held pursuant to this subsection shall be provided at least 14 days prior to the public information meeting date and shall be published in the same manner as required in subdivision 1 of this subsection. A potential applicant shall submit the notice to the DEQ for posting on the DEQ website. At a minimum, any notice required by this subsection shall include:

a. A statement of the potential applicant's intent to apply for a VWP permit for a surface water supply project;

b. The proposed location of the surface water supply project;

c. Information on how the public may request a public information meeting or in the alternative, the date, time and location of the public information meeting;

d. The name, address and telephone number of the potential applicant, or an authorized representative who can answer questions or receive comments on the proposed surface water supply project; and

e. A statement of how any oral or written public comments will be used.

3. In accordance with the provisions of 9 VAC 25-780-50 C 11 or 9 VAC 25-780-150, a potential applicant shall not be required to publish public notice or provide an opportunity for a public information meeting if a public meeting has been held within two years prior to the submittal of an application for a VWP permit on a local or regional water supply plan, which includes the proposed project.

4. The potential applicant shall maintain a list of persons and their addresses making comment and shall make a good faith effort to notify commentors, at the address provided by the commenter, when the public notice for the draft VWP individual permit is available.

9 VAC 25-210-80. Application for a VWP permit.

A. ~~How to apply~~ Application. Any person who is required to obtain a VWP permit shall submit a complete VWP permit application to DEQ through VMRC, ~~consisting of the JPA with the DEQ VWP Addendum, or shall submit a complete registration statement for coverage under a VWP general permit, as applicable the most current Joint Permit Application procedures, as established within each type of Joint Permit Application (JPA).~~ The Virginia Department of Transportation (VDOT) may use its monthly Interagency Coordination Meeting (IACM) process for submitting JPAs ~~or registration statements.~~ There shall be no commencement of any activity subject to the VWP permit program regulation prior to the issuance of a VWP permit or VWP general permit authorization.

~~1. The amount of time allowed by § 62.1-44.15:5 D of the Code of Virginia for DEQ to process a complete VWP permit application for any project, excluding water withdrawal projects, is 15 days for completeness review; 120 days for processing the complete application by issuing a VWP permit, issuing a VWP permit with conditions, denying the VWP permit, or deciding to conduct a public meeting or hearing; 60 days to hold a public meeting or hearing; and 90 days after the public meeting or hearing, if held, to make a final VWP permit decision. The required 15-day timeframe for completeness review for all projects, with the exception of minimum instream flow and water withdrawal projects, will commence upon receipt of the application by the DEQ office having authority over the project (i.e., the regional office in the region in which the project is located, or central office for VDOT projects).~~

~~2. There shall be no commencement of any activity for which a VWP permit is required prior to the issuance of a VWP permit.~~

B. Informational requirements.

1. A complete VWP permit application, at a minimum, consists of a JPA completed in its entirety with all appropriate maps, appendices, attachments and addenda included. The JPA must include the following information:

a. Name ~~and~~, mailing address, telephone number, and if applicable, fax number of applicant ~~(and property owner, if different).~~

b. If different from applicant, name, mailing address, telephone number, and if applicable, fax number of property owner.

~~b-~~ c. If applicable, name ~~and~~ of authorized agent, mailing address ~~of authorized agent (if applicable),~~ telephone number, and if applicable, fax number and electronic mail address.

~~e-~~ d. Name of the impacted waterbody or waterbodies, or receiving waters, as applicable, at the project site.

~~e-~~ e. Name of the city or county where the project occurs.

~~e-~~ f. Project purpose, need and description. The purpose and need for the project shall be specified. A complete narrative description of the project shall include: *the name of the project*; the type of activity to be conducted; any physical alteration to surface waters; and all impacts, permanent and temporary, associated with the project. Wetland impacts should be quantified *and identified* according to their Cowardin classification or similar terminology. Conversion of one type of wetland to another type of wetland is considered to be a permanent impact. *Stream impacts should be quantified and identified based on geomorphological types.*

~~f-~~ g. Amount of ~~surface water impacts (wetlands, streams or wetland impacts (by type in acres or square feet), stream impacts (in linear feet), and open water} impacts~~ (by type in square feet or acres, ~~or linear feet for streams~~ (if as applicable).

~~g-~~ h. Materials assessment. If dredged *material from on-site areas* or fill material *from off-site areas* is involved, the applicant must provide evidence or certification that the material is free from toxic contaminants *prior to disposal*, or that the material, if not free of contaminants, will be placed in an approved disposal area. If applicable, the applicant may be required to conduct grain size and composition analyses, tests for specific parameters or chemical constituents, or elutriate tests on the dredge material.

~~h-~~ i. Proposed construction schedule. An estimate of the construction timeframe for the project will be used to determine the VWP permit term.

~~i-~~ j. Signed and dated signature page. The application signature page, either on the copy submitted to VMRC or to the DEQ, must have an original signature. *Electronic submittals containing the original-signature page, such as that contained in a scanned document file, are acceptable.*

~~j-~~ Appendices (from the JPA) that apply to the project.

k. The ~~DEQ Addendum,~~ including latitude and longitude (to the nearest second) at the center of the project, United States Geological Survey Hydrologic Unit Code for the project and compensatory mitigation site, DEQ stream classification, stream drainage area, functions and values

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assessment for wetlands impacts (if applicable), *beneficial uses evaluation for instream flow and surface water withdrawal projects (if applicable)*, wetlands delineation information, state- and federally-listed threatened and endangered species information, mitigation plan (demonstrating avoidance and minimization to the maximum extent practicable, and compensation for unavoidable impacts).

(1) For wetland impacts greater than one acre ~~and for all water withdrawals (1.0 acre or 43,560 square feet)~~, the assessment of functional values of the affected surface waters must include information on ~~existing beneficial uses of the surface waters and information on fish and wildlife resources and habitat at the proposed project location: surrounding land uses and cover types; nutrient, sediment, and pollutant trapping; flood control and flood storage capacity; erosion control and shoreline stabilization; groundwater recharge and discharge; aquatic and wildlife habitat; and unique or critical habitats. Functional values may also include: water quality, floodflow desynchronization, nutrient import or export, stormwater retention or detention, recreation, education, and aesthetics. These values shall be assessed using an acceptable method appropriate for the type of impacted resource. This information will be used to determine the type of compensatory mitigation required to ensure no net loss of wetland functions.~~

~~(a) Functional values may include: water quality, floodflow desynchronization, nutrient import or export, stormwater retention or detention, groundwater recharge or discharge, fish and wildlife habitat, recreation, education, and aesthetics. These values shall be assessed using an acceptable method appropriate for the type of impacted resource. This information will be used to determine the type of compensatory mitigation required to ensure no net loss of wetland functions.~~

~~(b)~~ (2) *Evaluation of beneficial uses means for instream flow and surface water withdrawal projects includes* both instream and offstream uses. Instream beneficial uses include, but are not limited to: the protection of fish and wildlife habitat; maintenance of waste assimilation; recreation; navigation; and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to: domestic (including public water supply); agricultural; electric power generation; and commercial and industrial uses.

~~(2)~~ (3) The assessment of potential impacts to federally-listed and state-listed threatened or endangered species shall include correspondence or documentation from federal or state resource agencies addressing potential impacts to listed species.

~~(3)~~ (4) A delineation map must be provided of the geographic area of a delineated wetland for all wetlands on the site, in accordance with 9 VAC 25-210-45, including the wetlands data sheets, and the latitude and longitude (to the nearest second) of the center of the wetland impact area. Wetland types shall be noted

according to their Cowardin classification or similar terminology. A copy of the USACE delineation confirmation, or other correspondence from the USACE indicating their approval of the wetland boundary, shall also be provided at the time of application, or if not available at that time, as soon as it becomes available during the VWP permit review. The delineation map should also include the location of all impacted and non-impacted streams, open water and other surface waters on the site. The approximate limits of any Chesapeake Bay Resource Protection Areas (RPAs) shall be shown on the map as additional state or local requirements may apply if the project is located within an RPA.

~~(4)~~ (5) The plan of mitigation for ~~unavoidable~~ impacts to surface waters must include, in accordance with current federal regulations: measures taken to avoid impacts to the maximum extent practicable, the measures proposed to reduce the impacts to surface waters to the maximum extent practicable, and where impacts could not be avoided, the means by which compensation will be accomplished to achieve no net loss of wetland acreage and ~~function functions or stream functions and water quality benefits.~~

(a) A narrative description must be provided detailing the measures taken during project design and development both to avoid and minimize impacts to surface waters to the maximum extent practicable (see 9 VAC 25-210-115-A).

~~(b) The compensatory mitigation plan, unless dependent solely on wetland banking or monetary contribution to an in-lieu fee fund, shall include the goals and objectives of the plan, in terms of replacement of functions and values and expressed in acres of each wetland or stream type. The plan shall also address any inclusion of buffers, any structures and features necessary for the success of the site, and the schedule for compensatory mitigation site construction.~~

~~(c)~~ (b) In order for an application to be deemed complete, ~~at a minimum~~, a conceptual *wetland* compensatory mitigation plan must be submitted for *unavoidable permanent impacts to wetlands, unless dependent solely on mitigation banking or monetary contribution to an in-lieu fee fund*, and shall include *at a minimum*: the goals and objectives in terms of replacement of wetland ~~or stream~~ acreage and ~~function functions~~; a *detailed* location map (for example, a *United States Geologic Survey topographic quadrangle map*), including latitude and longitude (to the nearest second) and *the hydrologic unit code (HUC)* at the center of the site; a *description of the surrounding land use*; a hydrologic analysis, including a draft water budget based on expected monthly inputs and outputs which will project water level elevations for a typical year, a dry year and a wet year; groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data; wetland

delineation confirmation and data sheets and maps for existing wetland and surface water areas on the proposed site(s); a conceptual grading plan; a conceptual planting scheme, including suggested plant species; and zonation and acreage of each vegetation type proposed; a proposed soil preparation and amendment plan addressing description of existing soils, including general information on both topsoil and subsoil conditions, permeability, and the need for soil amendments; and a draft design of any water control structures; inclusion of buffer areas; a description of any structures and features necessary for the success of the site; the schedule for compensatory mitigation site construction; and proposed deed restriction language for protecting the compensation site or sites, including all surface waters and buffer areas within its boundaries, in perpetuity.

(c) In order for an application to be deemed complete, a conceptual stream compensatory mitigation plan must be submitted for unavoidable permanent impacts to streams, unless dependent solely on mitigation banking or monetary contribution to an in-lieu fee fund, and shall include at a minimum: the goals and objectives in terms of water quality benefits and replacement of stream functions; a detailed location map (for example, a United States Geologic Survey topographic quadrangle map), including the latitude and longitude (to the nearest second) and the hydrologic unit code (HUC) at the center of the site; a description of the surrounding land use; the proposed stream segment restoration locations, including plan view and cross-section sketches; the stream deficiencies that need to be addressed; the proposed restoration measures to be employed, including channel measurements, proposed design flows, types of instream structures, and conceptual planting scheme; reference stream data, if available; inclusion of buffer areas; schedule for restoration activities; and proposed deed restriction language for protecting the compensation site or sites, including all surface waters and buffer areas within its boundaries, in perpetuity.

(d) Compensation for open water impacts may be required, as appropriate, to protect state waters and fish and wildlife resources from significant impairment.

~~(e)~~ (e) The final compensatory mitigation plan must include complete information on all components of the conceptual compensatory mitigation plan detailed in ~~subdivision~~ subdivisions 1 k ~~(4)~~ (5) (b) and (c) of this subsection, as well as.

(f) For wetlands, the final compensation plan shall also include a summary of the type and acreage of existing wetland impacts anticipated during the construction of the compensation site and the proposed compensation for these impacts; a site access plan; a monitoring plan, including proposed success criteria, monitoring goals, and the location of

photostations, monitoring wells, vegetation sampling points, and reference wetlands or streams (if available); an abatement and control plan for undesirable plant species; an erosion and sedimentation control plan; a construction schedule; and ~~proposed deed restriction language for protecting proof that the protective instrument for the compensation site or sites in perpetuity, including all surface waters and buffer areas within its boundaries, has been recorded. The final compensatory mitigation plan must include protection of all surface waters and upland areas that are to be preserved in perpetuity within the compensation site boundary.~~

(g) For streams, the final compensation plan shall also include a site access plan; an erosion and sedimentation control plan; an abatement and control plan for undesirable plant species; a monitoring plan, including, a monitoring and reporting schedule, monitoring design and methodologies for success; proposed success criteria; and location of photo monitoring stations, vegetation sampling points, survey points, bank pins, scour chains, and reference streams; proof that the protective instrument for the compensation site or sites, including all surface waters and buffer areas within its boundaries, has been recorded; a plan view sketch depicting the pattern and all compensation measures being employed; a profile sketch; and cross-sectional sketches of the proposed compensation stream.

(h) For purposes of this regulation, undesirable species means any species that invades, naturally colonizes, or otherwise dominates a compensatory mitigation site or mitigation bank and may cause or contribute to the failure of the vegetative success criteria for a particular compensatory mitigation site or mitigation bank.

~~(e)~~ (i) Any compensation plan proposing to include contributions to an in-lieu fee fund shall include proof of the willingness of the entity to accept the donation and documentation of how the amount of the contribution was calculated.

~~(f)~~ (j) Any compensation plan proposing the purchase or use of mitigation banking credits shall include: (i) the name of the proposed mitigation bank and the HUC in which it is located; (ii) the number of credits proposed to be purchased or used; and (iii) certification from the bank owner of the availability of credits.

~~(g)~~ (k) Applicants proposing off-site compensatory mitigation, including purchase or use of mitigation bank credits, or contribution to an in-lieu fee fund shall first discuss the feasibility of on-site compensatory mitigation. If on-site compensatory mitigation is practicable, applicants must provide documentation as to why the proposed off-site compensatory mitigation is ecologically preferable (see 9 VAC 25-210-116 B). ~~The evaluation should include, at a minimum, a comparison of the following~~

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~~criteria: water quality benefits, hydrologic source, hydrologic regime, watershed, surface water functions and values, vegetation type, soils, impact acreage, distance from impacts, timing of compensation versus impacts, acquisition, constructability, and cost.~~

~~(h) Any compensation plan involving stream restoration shall submit a plan that includes: goals and objectives in terms of water quality benefits; location map, including the latitude and longitude (to the nearest second) at the center of the site; the proposed stream segment restoration locations, including plan view and cross-section sketches; the stream deficiencies that need to be addressed; the restoration measures to be employed, including proposed design flows and types of instream structures; and a proposed construction schedule.~~

~~(i) Compensation for open water impacts may be required, as appropriate, to protect state waters and fish and wildlife resources from significant impairment.~~

l. Detailed project location map. The detailed location map (e.g. for example, a United States Geologic Survey topographic quadrangle map) of the impact area must include the latitude and longitude for the project, *the project boundary*, the hydrologic unit code, and the stream classification (if applicable) clearly identified on the map. The map should be of sufficient detail such that the site may be easily located for site inspection.

m. Project plan view and cross-sectional sketches. All plan view sketches and cross-sectional sketches must include, at a minimum, north arrow, scale, existing structures, existing and proposed (if available) contours, limit of surface water areas, ebb and flood or direction of flow, *ordinary high water elevation*, impact limits, and location and dimension of all structures in impact areas. *Profile sketches with the above information shall be required as appropriate to demonstrate minimization of impacts.*

n. Application processing fee. The applicant will be notified by the board as to the appropriate fee for the project in accordance with 9 VAC 25-20-40 ~~et seq.~~ The board will continue to process the application, but the fee must be received prior to release of a draft VWP permit.

2. In addition to requirements of subdivision 1 of this subsection, applications involving a *instream flow requirements*, surface water withdrawal or a Federal Energy Regulatory Commission (FERC) license or re-license shall include:

a. The drainage area, the average annual flow and the median monthly flows at the withdrawal point, and historical low flows if available;

b. The average daily withdrawal, the maximum daily and instantaneous withdrawals and information on the variability of the demand by season;

~~c. Information on how the proposed withdrawal will impact flows in terms of flow reduction;~~

~~d. c. The consumptive use and the average daily return flow of the proposed project and the location of the return flow;~~

~~e. Information on the proposed use of and need for the surface water and information on how the demand for surface water was determined (e.g., per capita use, population growth rates, new uses, changes to service areas, and if applicable, acreage irrigated and evapotranspiration effects);~~

~~f. d. Information on flow dependent beneficial uses at the proposed project location along the affected stream reach; and~~

~~g. e. Information on the aquatic life at the proposed project location along the affected stream reach, including species and habitat requirements.;~~

~~f. Information on how the proposed withdrawal will alter flows along the affected stream reach;~~

~~g. Information on the proposed use of and need for the surface water and information on how demand for surface water was determined (for example, per capita use, population growth rates, new uses, changes to service areas, and if applicable; acreage irrigated and evapotranspiration effects). If during the water supply planning process, the need for the withdrawal was established, the applicant may submit said planning process information, provided that the submittal address all requirements of 9 VAC 25-210-115 B. The board shall deem such a submittal as meeting the requirements of this subsection. For public drinking water supply projects see also 9 VAC 25-780-115;~~

~~h. For new or expanded surface water supply projects, a summary of the steps taken to seek public input as required by 9 VAC 25-210-75 and an identification of the issues raised during the course of the public information meeting process; and~~

~~i. For surface water withdrawals, other than public water supplies, information to demonstrate that alternate sources of water supply are available to support the operation of the facility during times of reduced instream flow.~~

3. Applications for an Emergency Virginia Water Protection Permit to address a public water supply emergency shall include:

a. Name, mailing address, telephone number, and if applicable, fax number and electronic mail address of applicant;

b. If different from applicant, name, mailing address, telephone number, and if applicable, fax number and electronic mail address of property owner;

c. If applicable, name of authorized agent, mailing address, telephone number, and if applicable, fax number and electronic mail address;

d. Name of waterbody or waterbodies, or receiving waters, as applicable;

- e. Name of the city or county where the project occurs;
 - f. Signed and dated signature page (electronic submittals containing the original-signature page, such as that contained in a scanned document file are acceptable);
 - g. Application processing fee in accordance with 9 VAC 25-20;
 - h. The drainage area, the average annual flow and the median monthly flows at the withdrawal point, and historical low flows if available;
 - i. Information on the aquatic life along the affected stream reach, including species and habitat requirements;
 - j. Recent and current water use including monthly water use in the previous calendar year and weekly water use in the previous six months prior to the application. The application shall identify the sources of such water and also identify any water purchased from other water suppliers;
 - k. A description of the severity of the public water supply emergency, including for reservoirs, an estimate of days of remaining supply at current rates of use and replenishment; for wells, current production; for intakes, current streamflow;
 - l. A description of mandatory water conservation measures taken or imposed by the applicant and the dates when the measures were implemented; for the purposes of obtaining an Emergency Virginia Water Protection Permit, mandatory water conservation measures shall include, but not be limited to, the prohibition of lawn and landscape watering, vehicle washing, the watering of recreation fields, refilling of swimming pools, the washing of paved surfaces;
 - m. An estimate of water savings realized by implementing mandatory water conservation measures;
 - n. Documentation that the applicant has exhausted all management actions that would minimize the threat to public welfare, safety and health and will avoid the need to obtain an emergency permit, and that are consistent with existing permit limitations; and
 - o. Any other information that demonstrates that the condition is a substantial threat to public health or safety.
4. Within 14 days after the issuance of an Emergency Virginia Water Protection Permit, the permit holder shall apply for a VWP permit under the other provisions of this regulation.

C. Additional information. The board shall require additional information if needed to evaluate compliance with this chapter.

D. Incomplete application. Where an application is not accepted as complete by the board within 15 days of receipt, the board shall request additional ~~specific~~ information from the applicant, and may suspend processing of any application until such time as the applicant has supplied ~~missing or deficient~~ the requested information and the board considers the application complete. Further, where the applicant becomes aware that he omitted one or more relevant facts

from a VWP permit application, or submitted incorrect information in a VWP permit application or in any report to the board, ~~he~~ the applicant shall immediately submit such facts or the correct information. Such submission shall be deemed a new application for purpose of reviews, but shall not require additional notice or an additional permit application fee.

9 VAC 25-210-90. Conditions applicable to all VWP permits.

A. Duty to comply. The permittee shall comply with all conditions of the VWP permit. Nothing in this chapter shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

B. Duty to cease or confine activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

C. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

D. VWP permit action.

~~1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in this chapter.~~

~~2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185.~~

~~3. VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in subsection A of this section, or for other reasons listed in 9 VAC 25-210-180.~~

~~E. D. Inspection and entry. Upon presentation of credentials, the permittee shall allow the board or any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, to conduct the actions listed in this section. For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.~~

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;

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2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and

3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

~~F.~~ E. Duty to provide information.

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.

2. Plans, ~~specifications~~, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

~~G.~~ F. Monitoring and records requirements.

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.

2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.

4. Records of monitoring information shall include as *appropriate*:

- a. The date, exact place and time of sampling or measurements;
- b. The name of the individuals who performed the sampling or measurements;
- c. The date and time the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
- f. The results of such analyses; and
- g. Chain of custody documentation.

9 VAC 25-210-100. Signatory requirements.

A. Application. Any application for a VWP permit under this chapter must bear the applicant's signature or the signature of

a person acting in the applicant's behalf, with the authority to bind the applicant. *Electronic submittals containing the original-signature page, such as that contained in a scanned document file, are acceptable.*

B. Reports. All reports required by VWP permits and other information requested by the board shall be signed by:

1. One of the persons described in subsection A of this section; or

2. A duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in subsection A of this section; and

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the board prior to or together with any separate information, or applications to be signed by an authorized representative.

C. Certification of application and reports. Any person signing a document under subsection A or B of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

9 VAC 25-210-110. Establishing applicable standards, limitations or other VWP permit conditions.

In addition to the conditions established in 9 VAC 25-210-90 and 9 VAC 25-210-100, each VWP permit shall include conditions meeting the following requirements where applicable:

1. Instream flow conditions. Subject to the provisions of Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 of the Code of Virginia, and subject to the authority of the State Corporation Commission over hydroelectric facilities contained in Chapter 7 (§ 62.1-80 et seq.) of Title 62.1 of the Code of Virginia, instream flow conditions may include but are not limited to conditions that limit the volume and rate at which water may be withdrawn at certain times and conditions that require water conservation and reductions in water use.

a. In the development of conditions that limit the volume and rate at which surface water may be withdrawn, consideration shall be given to the seasonal needs of water users and the seasonal availability of surface water flow.

b. Consideration shall also be given to the affected stream reach and the amount of water that is put to a consumptive use in the process.

c. In the development of instream flow conditions for new withdrawals, the board shall take into consideration the combined effect on the hydrologic regime within an affected stream reach due to consumptive water uses associated with:

- (1) All existing permitted withdrawals;
- (2) The total amount of withdrawals excluded from VWP permit requirements; and
- (3) Any other existing lawful withdrawals.

d. VWP Permits for surface water withdrawals, other than public water supplies, shall identify how alternate sources of water supply will be made available to support the operation of the permitted facility during times when surface water withdrawals will be curtailed due to instream flow requirements or shall provide for modification of the operation of the facility to assure compliance with permit conditions. Such modifications may include, but are not limited to, termination or reduction of activities at the facility that are dependent on the permitted withdrawal, increase capacity to capture and store higher flows or implementation of other potential management options.

2. VWP permits issued for surface water withdrawals from the Potomac River between the Shenandoah River confluence and Little Falls shall contain a condition that requires the permittee to reduce withdrawals when the restriction or emergency stage is declared in the Washington Metropolitan Area under the provisions of the Potomac River Low Flow Allocation Agreement; or when the operating rules outlined by the Drought-Related Operations Manual for the Washington Metropolitan Area Water Suppliers, an attachment to the Water Supply Coordination Agreement, are in effect. The department, in consultation with the Section for Cooperative Water Supply Operations on the Potomac (CO-OP) shall direct the permittee as to when and for what duration withdrawals shall be reduced.

~~2-~~ 3. Water quality standards and state requirements. The VWP permit shall include requirements to comply with all appropriate provisions of state laws and regulations.

~~3-~~ 4. Toxic pollutants.

a. Where the board finds that appropriate limitations may not ensure compliance with the law or state water quality standards the board shall require the permittee to follow a program of biological or chemical toxics monitoring. The requirement may include a VWP permit reopener to allow the imposition of toxicity reduction or elimination measures determined to be necessary as a result of the board's evaluation of the results of the toxic monitoring

and other available information. Based upon this determination, appropriate limitations will be included in the VWP permit to ensure the reduction or elimination of toxic pollutants and allow the board to ensure that the proposed project will comply with water quality standards and other appropriate requirements of the law.

b. Limitations will be included in the VWP permit to control all toxic pollutants which the board determines (based on information reported in a VWP permit application or a notification or on other information) are or may be discharged at a level which would adversely affect the beneficial use of the receiving waters.

~~4. Duration of VWP permits. VWP permits issued under this chapter shall have an effective date and expiration date which will determine the life of the permit. VWP permits shall be effective for a fixed term based upon the projected duration of the project, the length of any required monitoring, or other project operations or VWP permit conditions; however, the term shall not exceed 15 years and will be specified in the conditions of the VWP permit. The term of these VWP permits shall not be extended by modification beyond the maximum duration. Extension of VWP permits for the same activity beyond the maximum duration specified in the original VWP permit will require reapplication and reissuance of a new VWP permit unless the permittee complies with the provisions of 9 VAC 25-210-185.~~

5. Monitoring requirements as conditions of VWP permits may include but are not limited to:

a. Requirements concerning the proper use, maintenance and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate) when required as a condition of the VWP permit;

b. Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity and including, when appropriate, continuous monitoring and composite samples;

c. Applicable reporting requirements based upon the impact of the regulated activity on water quality; and

d. Requirements to report monitoring results with a frequency dependent on the nature and effect of the regulated activity.

6. Best Management Practices (BMPs). The VWP permit may require the use of BMPs to control or abate the discharge of pollutants.

7. Reissued VWP permits. When a VWP permit is renewed or reissued, limitations, standards or conditions must be in conformance with current limitations, standards, or conditions.

8. Reopening VWP permits. Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous

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VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

9 VAC 25-210-115. Evaluation of mitigation project alternatives.

A. When a proposed activity involves a surface water withdrawal or alteration of instream flows, the applicant shall first identify the purpose of the proposed project. In identifying the project purpose, the applicant shall provide a narrative describing the water supply issues that form the basis of the proposed project purpose.

B. When a proposed activity involves instream flow or surface water withdrawal, the applicant shall subsequently demonstrate to the satisfaction of the board that the project meets an established local water supply need. In establishing local need, the applicant shall provide the following information:

1. Existing supply sources, yields and demands, including:
 - a. Peak day and average daily withdrawal;
 - b. The safe yield and lowest daily flow of record;
 - c. Types of water uses; and
 - d. Existing water conservation measures and drought response plan, including what conditions trigger their implementation.
2. Projected demands over a minimum 30-year planning period, including the following:
 - a. Projected demand contained in the local or regional water supply plan developed in accordance with 9 VAC 25-780 or for the project service area, if such area is smaller than the planning area; or
 - b. Statistical population (growth) trends; and
 - c. Projected demands by use type; and
 - d. Projected demand without water conservation measures; and
 - e. Projected demands with long-term water conservation measures.

~~Avoidance and minimization opportunities~~ C. For all proposed projects, the applicant shall ~~be evaluated as follows: The applicant must~~ demonstrate to the satisfaction of the board that avoidance and minimization opportunities have been identified and applied to the proposed activity, that practicable alternatives, including design alternatives, have been evaluated for the proposed activity, and that the proposed activity, in terms of impacts to water quality and fish and wildlife resources, is the least environmentally damaging practicable alternative.

~~The applicant must also demonstrate to the satisfaction of the board that all~~ 1. Avoidance and minimization includes, but is not limited to, steps ~~have been~~ taken in accordance

with the Guideline for Specification of Disposal Sites for Dredged or Fill Material, 40 CFR Part 230 (Federal Register, December 24, 1980) to first avoid and then minimize adverse impacts to surface waters to the maximum extent practicable. Measures, such as reducing the size, scope, configuration, or density of the proposed project, that would avoid or result in less adverse impact to surface waters shall be considered to the maximum extent practicable.

~~B. Compensatory mitigation proposals shall be evaluated as follows:~~

~~1. On-site, in-kind compensatory mitigation, when available, shall be deemed the most ecologically preferable form of compensation for project impacts, in most cases. However, off-site or out-of-kind compensation opportunities that prove to be more ecologically preferable or practicable may be considered. When the applicant can demonstrate satisfactorily that an off-site or out-of-kind compensatory mitigation proposal is practicable and ecologically preferable, then such proposal may be deemed appropriate for compensation of project impacts.~~

~~2. Compensatory mitigation for unavoidable project impacts may be met through wetland or stream creation or restoration, the purchase or use of mitigation bank credits, or a contribution to an approved in-lieu fee fund. Compensation may incorporate preservation of wetlands or streams or preservation or restoration of upland buffers adjacent to state waters when utilized in conjunction with creation, restoration or mitigation bank credits as appropriate to ensure protection or enhancement of state waters or fish and wildlife resources and their habitat.~~

~~3. Generally, preference shall be given in the following sequence: restoration, creation, mitigation banking, in-lieu fee fund. However, the appropriate compensatory mitigation option for project impacts shall be evaluated on a case-by-case basis, in terms of replacement of wetland or stream acreage and function.~~

~~2. Any alternatives analysis conducted specifically for public drinking water supply projects, shall include:~~

~~a. The range of alternatives to be analyzed by the applicant as follows:~~

~~(1) All applicable alternatives contained in the local or regional water supply plan developed in accordance with 9 VAC 25-780;~~

~~(2) Alternatives that are practicable or feasible from both a technical and economic standpoint that had not been identified in the local or regional water supply plan developed in accordance with 9 VAC 25-780;~~

~~(3) Alternatives that are available to the applicant but not necessarily under the current jurisdiction of the applicant; and~~

~~(4) Water conservation measures that could be considered as a means to reduce demand for each alternative considered by the applicant.~~

b. The applicant shall provide a narrative description that outlines the opportunities and status of regionalization efforts undertaken by the applicant.

c. The criteria used to evaluate each alternative for the purpose of establishing the least environmentally damaging practicable alternative, which includes but is not limited to:

- (1) Demonstration that the proposed alternative meets the project purpose and project demonstrated need as documented pursuant to subsections A and B of this section;
- (2) Availability of the alternative to the applicant;
- (3) Evaluation of interconnectivity of water supply systems (both existing and proposed);
- (4) Evaluation of the cost of the alternative on an equivalent basis;
- (5) Evaluation of alternative safe yields;
- (6) Presence and potential impact of alternative on state and federally listed threatened and endangered species;
- (7) Presence and potential impact of alternative on wetlands and streams (based on maps and aerial photos for all alternatives, field delineation required for preferred alternative);
- (8) Evaluation of effects on instream flow; and
- (9) Water Quality Considerations, including:
 - (a) Land use within a watershed where the type of land use may impact the water quality of the source;
 - (b) The presence of impaired streams and the type of impairment;
 - (c) The location of point source discharges; and
 - (d) Potential threats to water quality other than those listed in subdivisions 2 c (9) (a) through (c) of this subsection.

3. Any alternatives conducted for projects other than drinking water supply projects shall include all applicable items included in subdivision 2 of this subsection.

9 VAC 25-210-116. Compensation.

~~C.~~ A. No net loss. Compensatory mitigation for project impacts shall be sufficient to achieve no net loss of existing wetland acreage and no net loss of functions in all surface waters. Compensatory mitigation ratios appropriate for the type of aquatic resource impacted and the type of compensation provided shall be applied to permitted impacts to help meet this requirement. Credit may be given for preservation of upland buffers already protected under other ordinances to the extent that additional protection and water quality and fish and wildlife resource benefits are provided.

~~D. Alternatives analysis~~ B. Practicable and ecologically preferable compensation alternatives.

1. An ~~alternatives~~ analysis shall be required to justify that ~~the following alternatives~~ off-site compensatory mitigation (including purchase or use of mitigation bank credits or contribution to an in-lieu fee fund) or out-of-kind compensatory mitigation are ecologically preferable and practicable compensatory mitigation options to on-site, or in-kind compensation: ~~off-site including purchase or use of mitigation bank credits, or contribution to an in-lieu fee fund; or out-of-kind.~~

2. An ~~alternatives~~ Such analysis shall include, but is not limited to, the following criteria, which shall be compared between the impacted and replacement sites: water quality benefits; acreage of impacts; distance from impacts; hydrologic source; ~~hydrologic~~ and regime; watershed; functions and values; vegetation type; soils; constructability; timing of compensation versus impact; property acquisition; and cost. The ~~alternatives~~ analysis shall compare the ability of each compensatory mitigation option to replace lost wetland acreage and ~~function~~ functions or lost stream functions and water quality benefits.

C. Compensatory mitigation proposals shall be evaluated as follows:

1. On-site, in-kind compensatory mitigation, when available, shall be deemed the most ecologically preferable form of compensation for project impacts, in most cases. However, off-site or out-of-kind compensation opportunities that prove to be more ecologically preferable or practicable may be considered. When the applicant can demonstrate satisfactorily that an off-site or out-of-kind compensatory mitigation proposal is practicable and ecologically preferable, then such proposal may be deemed appropriate for compensation of project impacts.

2. Compensatory mitigation for unavoidable wetland impacts may be met through the following options:

- a. Wetland creation;
- b. Wetland restoration;
- c. The purchase or use of credits from a mitigation bank, pursuant to § 62.1-44.15:5 E of the Code of Virginia;
- d. A contribution to an approved in-lieu fee fund;
- e. Preservation of upland buffers adjacent to state waters, when utilized in conjunction with subdivision 2 a, b, or c of this subsection, and when consistent with subsection A of this section;
- f. Restoration of upland buffers adjacent to state waters, when utilized in conjunction with subsections a, b, or c, and when consistent with subsection A of this section;
- g. Preservation of wetlands, when utilized in conjunction with subdivision 2 a, b, or c of this subsection.

3. Compensatory mitigation for unavoidable impacts to streams may be met through the following options, as appropriate to replace functions or water quality benefits. One factor in determining the required compensation shall be an analysis of stream impacts utilizing a stream impact assessment methodology approved by the board.

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- a. *Stream channel restoration or enhancement;*
- b. *Riparian buffer restoration or enhancement;*
- c. *Riparian buffer preservation, when consistent with subsection A of this section;*
- d. *A contribution to an approved in-lieu fee fund;*
- e. *The purchase or use of credits from a mitigation bank, pursuant to § 62.1-44.15:5 E of the Code of Virginia.*

4. *Generally, preference shall be given in the following sequence: restoration, creation, mitigation banking, in-lieu fee fund. However, the appropriate compensatory mitigation option for project impacts shall be evaluated on a case-by-case basis, in terms of replacement of wetland acreage and functions or stream functions and water quality benefits.*

~~E~~. D. In-lieu fee fund approval.

1. In order for contribution to an in-lieu fee fund to be an acceptable form of compensatory mitigation, the fund must be approved for use by the board and must be dedicated to the achievement of no net loss of wetland ~~or stream~~ acreage and ~~function~~ functions or stream functions and water quality benefits through the preservation, restoration and creation of wetlands or streams.

2. The board may approve the use of a fund by:

- a. Approving use of a fund for a specific project when approving a VWP permit; or
- b. Granting approval of a fund at a board meeting.

3. In order for the board to approve the use of a fund, the fund must meet the following criteria:

- a. Demonstration of a no net loss policy in terms of wetland ~~or stream~~ acreage and ~~function~~ functions or stream functions and water quality benefits by adoption of operational goals or objectives for preservation, creation or restoration of ~~wetland or stream acreage and function~~;
- b. Consultation with DEQ on selection of sites for preservation, restoration, or creation;
- c. A commitment to provide annual reports to the board detailing contributions received and acreage and type of wetlands or streams preserved, created or restored in each watershed with those contributions, as well as the mitigation credits contributed for each watershed of project impact;
- d. A mechanism to establish fee amounts that will ensure each contribution will be adequate to compensate for the wetland ~~or stream~~ acreage and ~~function~~ functions or stream functions and water quality benefits lost in the impacted watershed; and
- e. Such terms and conditions as the board deems necessary to ensure a no net loss of wetland ~~or stream~~ acreage and functions or stream functions and water quality benefits from permitted projects providing compensatory mitigation through contributions to the fund.

4. Such approval may be granted for up to five years and may be renewed by the board upon a demonstration that the fund has enhanced wetland ~~or stream~~ acreage or ~~function~~ functions or stream functions and water quality benefits through the preservation, creation or restoration of wetlands or streams. Such demonstration may be made with the reports submitted pursuant to subdivision 3 c of this subsection.

5. The board may approve the use of an in-lieu fund only after publishing a notice of its intent in the Virginia Register of Regulations at least 45 days prior to taking such action and after accepting and considering public comments on its approval of the fund for at least a 30-day period. Where approval is contemplated in accordance with subdivision 2 a of this subsection, compliance with the public notice and comment requirements for approval of the VWP permit shall meet this requirement.

~~F~~. E. Use of mitigation banks and multi-project mitigation sites. The use of mitigation banks or multi-project mitigation sites for compensating project impacts shall be deemed appropriate if the following criteria are met:

- 1. The bank or multi-project mitigation site meets the criteria and conditions found in § 62.1-44.15:5 E of the Code of Virginia;
- 2. The bank or multi-project mitigation site is ecologically preferable to practicable on-site and off-site individual compensatory mitigation options;
- 3. For mitigation banks only, the banking instrument, if approved after July 1, 1996, has been approved by a process that involved public review and comment in accordance with federal guidelines;
- 4. The applicant provides verification to DEQ of purchase of the required amount of credits; and
- 5. For multi-project mitigation sites, the VWP permit shall include conditions sufficient to ensure long term monitoring and maintenance of surface water functions and values.

9 VAC 25-210-130. VWP general permits.

A. The board may issue VWP general permits by regulation for certain specified categories of activities as it deems appropriate.

B. When the board determines on a case-by-case basis that concerns for water quality and the aquatic environment so indicate, the board may require individual applications and VWP individual permits rather than approving coverage under a VWP general permit. Cases where an individual VWP permit may be required include the following:

- 1. Where the activity may be a significant contributor to pollution;
- 2. Where the applicant or permittee is not in compliance with the conditions of the VWP general permit *regulation or authorization*;
- 3. When an applicant or permittee no longer qualifies for coverage under the VWP general permit *regulation or authorization*; and

4. When a permittee operating under a VWP general permit *authorization* requests to be excluded from the coverage of the VWP general permit *regulation* by applying for a VWP individual permit.

C. When a VWP individual permit is issued to a permittee, the applicability of the VWP general permit *authorization* to the individual permittee is automatically terminated on the effective date of the VWP individual permit.

D. When a VWP general permit *regulation* is issued which applies to a permittee already covered by a VWP individual permit, such person may request exclusion from the provisions of the VWP general permit *regulation* and subsequent coverage under a VWP individual permit.

E. A VWP general permit *authorization* may be revoked from an individual permittee for any of the reasons set forth in 9 VAC 25-210-180 subject to appropriate opportunity for a hearing.

F. When all permitted activities requiring notification have been completed, the permittee shall be required to submit a notice of termination *unless the permittee has previously submitted a termination by consent request for the same permitted activities and such request has been approved by the board.*

G. Activities authorized under a VWP general permit regulation shall be authorized for a fixed term based upon project length and duration. When a general permit regulation is amended or replaced, it shall contain provisions such that coverage authorized under the general permit existing as of the effective date of the amended or replacement VWP general permit regulation may continue under the amended or replacement VWP general permit and that all terms and conditions of the authorization may continue in full force and effect. Notwithstanding any other provision, a request for ~~reissuance~~ *continuation of a VWP general permit authorization of coverage under a VWP general permit beyond the expiration date of such authorization* in order to complete monitoring requirements shall not be considered a new application for coverage and no application fee will be charged.

H. The board may certify, or certify with conditions, a nationwide or regional permit proposed by the USACE in accordance with § 401 of the federal Clean Water Act as meeting the requirements of this regulation and ~~the requirements for a VWP general permit if , provided that the nationwide or regional permit, including any and the certification conditions contained in the certification:~~

1. ~~Requires~~ *Require* that wetland or stream impacts be avoided and minimized to the maximum extent practicable;
2. ~~Does not allow~~ *Prohibit* impacts that cause or contribute to a significant impairment of state waters or fish and wildlife resources;
3. ~~Requires~~ *Require* compensatory mitigation sufficient to achieve no net loss of existing wetland acreage and ~~function~~ *functions or stream functions and water quality benefits*; and

4. ~~Requires~~ *Require* that compensatory mitigation for *unavoidable wetland impacts* be provided through ~~wetland or stream creation or restoration, purchase or use of mitigation bank credits in accordance with § 62.1-44.15:5 E of the Code of Virginia, contribution to an in-lieu fee fund approved by the board in accordance with these regulations, or preservation or restoration of upland buffers adjacent to wetlands or other state waters or preservation of wetlands or streams when done in conjunction with creation, restoration or mitigation bank credits.~~ *the following options, as appropriate to replace acreage and function:*

- a. *Wetland creation;*
- b. *Wetland restoration;*
- c. *The purchase or use of credits from a mitigation bank, pursuant to § 62.1-44.15:5 E of the Code of Virginia;*
- d. *A contribution to an approved in-lieu fee fund;*
- e. *Preservation of upland buffers adjacent to state waters, when utilized in conjunction with subdivision 4 a, b, or c of this subsection, and when consistent with 9 VAC 25-210-116 A;*
- f. *Restoration of upland buffers adjacent to state waters, when utilized in conjunction with subdivision 4 a, b, or c of this subsection, and when consistent with 9 VAC 25-210-116 A;*
- g. *Preservation of wetlands, when utilized in conjunction with subdivision 4 a, b, or c of this subsection.*

5. *Require that compensatory mitigation for unavoidable stream impacts may be met through the following options as appropriate to replace functions or water quality benefits; one factor in determining the required compensation shall be an analysis of stream impacts utilizing a stream impact assessment methodology approved by the board:*

- a. *Stream channel restoration or enhancement;*
- b. *Riparian buffer restoration or enhancement;*
- c. *Riparian buffer preservation, when consistent with 9 VAC 25-210-116 A;*
- d. *A contribution to an approved in-lieu fee fund;*
- e. *The purchase or use of credits from a mitigation bank, pursuant to § 62.1-44.15:5 E of the Code of Virginia.*

~~Such~~ *I. The certifications allowed by subsection H of this section may be provided only after the board has advertised and accepted public comment on its intent to provide certification for at least 30 days.*

~~+~~ *J. Coverage under a nationwide or regional permit promulgated by the USACE and certified by the board in accordance with this section shall be deemed coverage under a VWP general permit regulation upon submission of proof of coverage under the nationwide or regional permit and any other information required by the board through the certification process. Notwithstanding the provisions of 9 VAC 25-20-10, no fee shall be required from applicants seeking coverage under this subsection.*

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9 VAC 25-210-140. Public notice of VWP permit action applications, permit actions and public comment period periods.

A. *The initial application for surface water supply projects that requires both an individual Virginia Water Protection Permit and a Virginia Marine Resources permit under § 28.2-1205 of the Code of Virginia shall be advertised concurrently by the Department of Environmental Quality and the Virginia Marine Resources Commission. Such advertising shall be paid for by the applicant.*

B. *Every draft VWP permit, with the exception of an Emergency Virginia Water Protection Permit or variances from Virginia Water Protection Permit conditions as outlined in 9 VAC 25-210-175, shall be given public notice paid for by the applicant, by publication once in a newspaper of general circulation in the area affected by the proposed activity. The public notice must be published within 14 days of issuance the applicant's receipt of a draft VWP permit, or the 120-day VWP permit processing timeframe will be suspended until such publication.*

~~B.~~ C. *The board shall provide a comment period of at least 30 days following the date of the public notice for interested persons to submit written comments on the tentative decision and to request a public hearing on the VWP permit. All written comments submitted during the comment period shall be retained by the board and considered during its final decision on the VWP permit.*

~~C.~~ D. *The contents of the public notice of an application for a VWP permit application or proposed VWP permit action shall include:*

1. Name and mailing address of the applicant;
2. *The permit application number;*
3. *Project location.* If the location of the activity differs from the address of the applicant the notice shall also state the location in sufficient detail such that the specific location may be easily identified;
- ~~2.~~ 4. Brief description of the business or activity to be conducted at the site of the proposed activity;
- ~~3.~~ 5. *Description of the area affected. Information on the number of acres of wetlands and/or the number of linear feet of streams affected, as well as the name of the receiving waterway and the name of the affected watershed should be included;*
6. *Description of what the applicant plans to do to compensate for the affected area;*
4. 7. A statement of the tentative determination to issue or deny a VWP permit;
- ~~5.~~ 8. A brief description of the final determination procedure;
- ~~6.~~ 9. The address, e-mail address and phone number of a specific person or persons at the state office from whom further information may be obtained; and
- ~~7.~~ 10. A brief description on how to submit comments and request a public hearing.

~~D.~~ E. *Public notice shall not be required for submission or approval of plans and specifications or conceptual engineering reports not required to be submitted as part of the application.*

~~E.~~ F. *When a VWP permit is denied, the board will do so in accordance with 9 VAC 25-210-230.*

9 VAC 25-210-170. Public notice of hearing.

A. *Public notice of any public hearing held pursuant to 9 VAC 25-210-160 shall be circulated as follows:*

1. *Notice shall be published once in a newspaper of general circulation in the county or city where the activity is to occur; and*

2. *Notice of the public hearing shall be sent to all persons and government agencies that received a copy of the notice of VWP permit application and to those persons requesting a public hearing or having commented in response to the public notice.*

B. *Notice shall be effected pursuant to subdivisions A 1 and 2 of this section at least 30 days in advance of the public hearing.*

C. *The content of the public notice of any public hearing held pursuant to 9 VAC 25-210-160 shall include at least the following:*

1. *Name and mailing address of each person whose application will be considered at the public hearing and a brief description of the person's activities or operations including information on the number of acres of wetlands and/or the number of linear feet of streams affected, as well as the name of the receiving waterway and the name of the affected watershed;*

2. *The precise location of such the proposed activity and the surface waters that will, or may, be affected. The location should be described including, where possible, with reference to route numbers, road intersections, map coordinates or similar information;*

3. *Description of what the applicant plans to do to compensate for the affected area;*

~~3.~~ 4. *A brief reference to the public notice issued for the VWP permit application or permit action, including identification the permit application number and date of issuance, unless the public notice includes the public hearing notice;*

~~4.~~ 5. *Information regarding the time and location for the public hearing;*

~~5.~~ 6. *The purpose of the public hearing;*

~~6.~~ 7. *A concise statement of the relevant water quality, or fish and wildlife resource issues raised by the persons requesting the public hearing;*

~~7.~~ 8. *Contact person and the mailing address, e-mail address, name of the DEQ regional office and phone number of the DEQ office at which the interested persons may obtain further information or request a copy of the draft VWP permit prepared pursuant to 9 VAC 25-210-120; and*

8. 9. A brief reference to the rules and procedures to be followed at the public hearing.

D. Public notice of any public hearing held pursuant to 9 VAC 25-210-160 C shall be in accordance with Procedural Rule No. 1 (9 VAC 25-230-40 ~~et seq.~~).

PART IV.

VWP PERMIT VARIANCES; VWP PERMIT MODIFICATION, REVOCATION AND REISSUANCE, TRANSFER, TERMINATION AND DENIAL.

9 VAC 25-210-175. Variance from VWP permit conditions.

A. For public water supplies. The board may grant a temporary variance to any condition of a VWP permit for a surface water withdrawal that supports a public water supply to address a public water supply emergency during a drought. A permittee requesting such variance must provide all information required in the application for an Emergency Virginia Water Protection Permit identified in 9 VAC 25-210-80 B 3.

B. For all other water supplies. The board may grant a temporary variance to any condition of a VWP permit for a surface water withdrawal during a drought. A permittee requesting such variance must affirmatively demonstrate;

1. Public health and safety interests are served by the issuance of such variance; and
2. All management actions consistent with existing permit have been exhausted.

C. As a condition of any variance granted, the permittee shall:

1. Modify operations or facilities to comply with existing VWP permit conditions as soon as practicable; or
2. Provide new information to the board that alternate permit conditions are appropriate and either apply for a new VWP permit or a modification to their existing VWP permit. The board shall review any such application consistent with other sections of this regulation.

D. In addition, the board may require the permittee to take any other appropriate action to minimize adverse impacts to other beneficial uses.

E. Any variances issued by the board shall be of the shortest duration necessary for the permittee to gain compliance with existing permit conditions, apply for a new VWP permit, or request modification of existing permit conditions.

F. Public notice of any variance issued by the board shall be given as required for draft permits in 9 VAC 25-210-140 B, C, and D. Such notice shall be given immediately upon issuance of any variance and the board may modify such variances based on public comment. Publication costs of all public notices shall be the responsibility of the permittee.

9 VAC 25-210-180. Rules for modification, revocation and reissuance, transfer, and termination of VWP permits.

A. VWP permits shall be modified, revoked and reissued, transferred or terminated only as authorized by this section.

B. A VWP permit may be modified in whole or in part, revoked and reissued, transferred or terminated.

C. VWP permit modifications shall not be used to extend the term of a VWP permit beyond 15 years from the date of original issuance. *If the permittee wishes to continue one or more activities regulated by the VWP permit after the expiration date of the VWP permit, regardless of pending changes to the permitted activities, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185.*

D. Modification, revocation and reissuance, or termination may be initiated by the board, ~~or~~ upon the request of the permittee, ~~or~~ upon the request by another person at the board's discretion under applicable laws or the provisions of this chapter to reflect the requirements of any changes in the statutes or regulations, as a result of VWP permit noncompliance as indicated in subsection C of this section, or for the reasons listed in subsections G and H of this section. A VWP permit may be modified, or revoked and reissued with permittee consent, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity that require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit that was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur that are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting directly from the permittee's withdrawal of surface water are detrimental to the instream beneficial use, existing at the time of permit issuance, and the withdrawal of surface water should be subject to further net limitations or when an area is declared a surface water management area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

E. A VWP permit shall be transferred only if the VWP permit has been modified to reflect the transfer, has been revoked and reissued to the new permittee, or has been automatically transferred.

1. Transfer by modification. Except as provided for under automatic transfer in subsection B of this section, a VWP permit shall be transferred only if the VWP permit has been

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modified to reflect the transfer or has been revoked and reissued to the new permittee.

2. Automatic transfer. Any individual VWP permit shall be automatically transferred to a new permittee if:

a. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;

b. The notice to the board includes a written agreement between the existing and proposed permittee containing a proposed date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity;

c. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit; and

d. The permit transferor and the permit transferee provide written notice to the board of the actual transfer date.

F. Upon request of the permittee, or upon board initiative with the consent of the permittee, minor modifications may be made in the VWP permit without following the public involvement procedures. For VWP permits, a minor modification may only:

1. Correct typographical errors;

2. Require monitoring and reporting by the permittee at a different frequency than required in the VWP permit, based on new information justifying the change in conditions;

3. Change an interim compliance date in a schedule of compliance to no more than 180 days from the original compliance date and provided it will not interfere with the final compliance date;

4. Allow for a change in ownership or operational control when the board determines that no other change in the VWP permit is necessary, provided that a written agreement containing a specific date for transfer of VWP permit responsibility, coverage and liability from the current to the new permittee has been submitted to the board;

5. Change project plans that do not result in an increase to permitted project impacts;

6. Occur when facility expansion, or production increases and modification will not cause significant change in the discharge of pollutants;

7. Delete VWP permit limitation or monitoring requirements for specific pollutants when the activities generating these pollutants are terminated;

8. Occur when subsequent to issuance of a VWP individual or general permit authorization, the permittee determines that additional permanent wetland or stream impacts are necessary, provided that the unavoidable cumulative increase in the acreage of wetland impacts is not greater than one-quarter of an acre (0.25 acre or 10,890 square feet) and the unavoidable cumulative increase in stream

impacts is less than 50 linear feet, and also provided that the additional permanent impacts are fully mitigated at ratios not less than compensatory mitigation ratios for the original impacts. A modification is not required subsequent to issuance for additional temporary impacts to surface waters, provided DEQ is notified in writing regarding additional temporary impacts, and the area is restored to preexisting conditions;

9. Occur when, subsequent to issuance of a VWP individual or general permit authorization, the project results in less wetland or stream impacts. Compensation requirements may be modified in relation to the adjusted impacts at the request of the permittee, provided that the adjusted compensation meets the initial compensation goals. DEQ shall not be responsible for ensuring refunds for mitigation bank credit purchases, mitigation bank usage, or in-lieu fee fund contributions;

10. Occur when, subsequent to issuance of a VWP individual or general permit authorization, substitution of a specified, approved mitigation bank(s) with another specified, approved mitigation bank is necessary.

E. G. After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100), a VWP permit can be terminated for cause. ~~Causes~~ Reasons for termination for cause are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;

2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;

3. The permittee's violation of a special or judicial order;

4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and

6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

H. A VWP permit can be terminated by consent, as initiated by the permittee, when all permitted activities have been completed or if the authorized impacts will not occur. The permittee shall submit a request for termination by consent within 30 days of project completion or project cancellation. The director may accept this termination on behalf of the board. The permittee shall submit the following information:

1. Name, mailing address and telephone number;

2. Name and location of the activity;

3. The VWP permit authorization number; and

4. One of the following certifications:

a. For project completion: "I certify under penalty of law that all activities authorized by a VWP general permit have been completed. I understand that by submitting this notice of termination I am no longer authorized to perform activities in surface waters in accordance with the VWP general permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP general permit authorization."

b. For project cancellation: "I certify under penalty of law that the activities authorized by this VWP general permit will not occur. I understand that by submitting this notice of termination, that I am no longer authorized to perform activities in surface waters in accordance with the VWP general permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP general permit authorization, nor does it allow me to resume the permitted activities without reapplication and reauthorization."

I. If a permittee files a request for VWP permit modification, revocation and reissuance, or termination, or files a notice of planned changes or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board.

9 VAC 25-210-185. Duration of VWP permit extension permits; extensions.

A. Duration of VWP permits. VWP permits issued under this chapter shall have an effective date and expiration date that will determine the life of the permit. VWP permits shall be effective for a fixed term based upon the projected duration of the project, the length of any required monitoring, or other project operations or VWP permit conditions; however, the term shall not exceed 15 years and will be specified in the conditions of the VWP permit. Emergency Virginia Water Protection Permits shall not exceed a duration of one year or shall expire upon the issuance of a regular Virginia Water Protection Permit, whichever comes first.

B. VWP permit extension. Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit written notification requesting an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than original and the extended permit terms together exceed a total of 15 years beyond the original effective date of the VWP permit. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, ~~are~~ the permittee should be taken to allow for sufficient time for the board to evaluate the extension request and, in the case of denial of the request, to process a full new VWP permit application or an application for a VWP permit modification, if required applicable.

9 VAC 25-210-190. Causes for modification. (Repealed.)

~~A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:~~

- ~~1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;~~
- ~~2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;~~
- ~~3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;~~
- ~~4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;~~
- ~~5. When changes occur which are subject to "reopener clauses" in the VWP permit; or~~
- ~~6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.~~

9 VAC 25-210-200. Transferability of VWP permits. (Repealed.)

~~A. Transfer by modification. Except as provided for under automatic transfer in subsection B of this section, a VWP permit shall be transferred only if the VWP permit has been modified to reflect the transfer or has been revoked and reissued to the new permittee.~~

~~B. Automatic transfer. Any VWP permit shall be automatically transferred to a new permittee if:~~

- ~~1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;~~
- ~~2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and~~
- ~~3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.~~

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9 VAC 25-210-210. Minor modification. (Repealed.)

~~A. Upon request of the permittee, or upon board initiative with the consent of the permittee, minor modifications may be made in the VWP permit without following the public involvement procedures.~~

~~B. For VWP permits, a minor modification may only:~~

- ~~1. Correct typographical errors;~~
- ~~2. Require monitoring and reporting by the permittee at a different frequency than required in the VWP permit, based on new information justifying the change in conditions;~~
- ~~3. Change an interim compliance date in a schedule of compliance to no more than 180 days from the original compliance date and provided it will not interfere with the final compliance date;~~
- ~~4. Allow for a change in ownership or operational control when the board determines that no other change in the VWP permit is necessary, provided that a written agreement containing a specific date for transfer of VWP permit responsibility, coverage and liability from the current to the new permittee has been submitted to the board;~~
- ~~5. Change plans and specifications that do not result in an increase to permitted project impacts;~~
- ~~6. Occur when facility expansion, production increases and modification will not cause significant change in the discharge of pollutants;~~
- ~~7. Delete VWP permit limitation or monitoring requirements for specific pollutants when the activities generating these pollutants are terminated; and~~
- ~~8. Occur when subsequent to issuance of a VWP individual or general permit, the permittee determines that additional wetland or stream impacts are necessary, provided that the unavoidable cumulative increase in the acreage of wetland impacts is not greater than 1/4 acre and the unavoidable cumulative increase in stream impacts is less than 50 linear feet, and also provided that the additional impacts are fully mitigated at ratios not less than compensatory mitigation ratios for the original impacts.~~

9 VAC 25-210-220. Waiver of VWP permit.

A. The board may waive permitting requirements when the board determines that a proposed project impacts an isolated wetland that is of minimal ecological value as defined in 9 VAC 25-210-10. Any person claiming this waiver bears the burden to demonstrate that he qualifies for the waiver.

B. The board may waive the requirement for a VWP individual permit when the proposed activity qualifies for a permit issued by the USACE and receives a permit from the VMRC or wetlands boards, pursuant to Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, and the activity does not impact instream flows.

9 VAC 25-210-230. Denial of the VWP permit or variance request.

A. The board shall make a decision to tentatively deny the VWP permit or variance request if the requirements of this

chapter are not met. Basis for denial include, but are not limited to, the following:

1. The project will result in violations of water quality standards or will impair the beneficial uses of state waters.
 2. As a result of project implementation, shellfish waters would be condemned in accordance with 9 VAC 25-260-5 et seq.
 3. The project that the applicant proposed fails to adequately avoid and minimize impacts to state waters to the maximum extent practicable.
 4. The proposed compensatory mitigation plan is insufficient or unsatisfactory for the proposed impacts and fails to achieve no net loss of existing acreage and function.
 5. The Department of Game and Inland Fisheries indicates that natural or stockable trout waters would be permanently and negatively impacted by the proposed activity.
 6. The proposed activity is prohibited by 9 VAC 25-210-50.
 7. The effect of project impacts, together with other existing or proposed impacts to wetlands, will cause or contribute to a significant impairment of state waters or fish and wildlife resources.
 8. Failure to submit the required permit fee in accordance with ~~9 VAC 25-40-80 B 1 n~~ 9 VAC 25-210-80 B 1 n or B 3 g.
 9. *For an application for an Emergency Virginia Water Protection Permit, the board determines that the applicant has not demonstrated that there is a substantial threat to public health and safety, and that normal Virginia Water Protection Permit procedures, including public comment provisions, should be followed.*
- B. The applicant shall be notified by letter of the board's preliminary decision to tentatively deny the VWP permit requested.
- C. Should the applicant withdraw his application, no VWP permit will be issued.
- D. Should the applicant elect to proceed as originally proposed, the board may deny the application and advise the applicant pursuant to Procedural Rule No. 1 - *Public and Formal Hearing Procedures* (9 VAC 25-230-40 et seq.) of the applicant's right to a public hearing to consider the denial.

9 VAC 25-210-260. Transition.

A. All applications received ~~from VDOT on or after August 1, 2004~~ (insert date this regulation revision will be effective), or all other applications received on or after ~~October 1, 2004~~ (insert date this regulation revision will be effective), will be processed in accordance with these new procedures.

B. Section 401 Water Quality Certificates issued prior to December 31, 1989, have the same effect as a VWP permit. Water Quality Certificates issued after this date will remain in effect until reissued as Virginia Water Protection Permits.

DOCUMENTS INCORPORATED BY REFERENCE

Virginia Stormwater Management Handbook, First Edition, 1999, Volume I, Chapter 3, Department of Conservation and Recreation.

Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final Report.

Forestry Best Management Practices for Water Quality in Virginia Technical Guide, Third Edition, 1997, Department of Forestry.

Virginia Agricultural Best Management Practices (BMP) Manual, Revised June 2000, Department of Conservation and Recreation.

Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, Department of Conservation and Recreation.

Guideline for Specification of Disposal Sites for Dredged of Fill Material, 40 CFR Part 230 (Federal Register December 24, 1980).

Potomac River Low Flow Allocation Agreement, January 11, 1978, § 181 of the Water Resources Development Act of 1976, Public Law 94-587, as modified on April 22, 1986.

Water Supply Coordination Agreement, July 22, 1982, an attachment to the Drought-Related Operations Manual for the Washington Metropolitan Area Water Suppliers.

NOTICE: The forms used in administering 9 VAC 25-210, Virginia Water Protection Permit Program Regulation, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

~~Department of Environmental Quality Water Division Permit Application Fee Form (eff. 7/04).~~

~~Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 10/04).~~

~~Joint Permit Application for Projects in Tidewater Virginia (eff. 10/04).~~

~~Virginia Department of Transportation, Joint Permit Application (eff. 10/02).~~

~~Quarterly Reporting of Impacts Less than One-Tenth Acre (insert reporting period) Statewide (eff. 4/03).~~

VA.R. Doc. No. R05-106; Filed January 31, 2006, 3:21 p.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: 12 VAC 5-590. Waterworks Regulations (adding 12 VAC 5-590-505).

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

Public Hearing Date: N/A -- Public comments may be submitted until April 21, 2006.

(See Calendar of Events section for additional information)

Agency Contact: Chris Adkins, Geologist Supervisor, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7495, FAX (804) 864-7521, or e-mail chris.adkins@vdh.virginia.gov.

Basis: Section 32.1-12 of the Code of Virginia provides that the State Board of Health "may...promulgate...such regulations...as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by it, the Commissioner, or the Department." Section 32.1-170 of the Code of Virginia requires "...the development and maintenance of an emergency management plan for each community public water supply for the provision of pure water during any extended power outage." This requirement was enacted by Chapter 317 of the 2004 Acts of Assembly.

Purpose: The purpose of this amendment is to better prepare the community waterworks in Virginia to respond to an extended power outage. Although some community waterworks have emergency standby power, there is no requirement for community waterworks to develop and maintain an emergency management plan to verify they are prepared for an extended power outage.

Substance: The proposed amendment requires owners of community waterworks to develop and maintain an emergency management plan in accordance with § 32.1-170 of the Code of Virginia.

Issues: The primary advantage of the proposed regulatory action is to better protect public health by preparing the community waterworks owners in Virginia to respond to extended power outages, which will decrease the likelihood of issuing boil water advisories or other emergency declarations involving the Commonwealth's drinking water. The proposed regulatory action will also improve the Virginia Department of Health's and the Commonwealth's ability to monitor and manage extended power outage events, which in turn will allow for better allocation of resources. Additionally, the proposed regulation will facilitate better communication between community waterworks owners, the public and government officials in times of emergency to help ensure safe drinking water.

The proposed regulatory action poses no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process

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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 State Board of Health (board) proposes to require community waterworks to develop and maintain an emergency management plan (EMP) to provide pure water during extended power outages of no less than five days. The plan will address procedures for obtaining and distributing potable water; notification procedures to public officials, customers and the media; emergency disinfection procedures; and telephone numbers for state regulatory personnel, waterworks personnel, and energy suppliers to the waterworks.

Estimated economic impact. A community waterworks is a system that serves piped water for drinking or domestic use to (i) the public, (ii) at least 15 connections, or (iii) an average of 25 individuals for at least 60 days out of the year. The term "waterworks" includes all structures, equipment and appurtenances used in the storage, collection, purification, treatment and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

Occasionally, incidents such as ice storms, hurricanes, tornadoes, flooding, terrorism, vandalism, and blackouts may cause extended power outages in the Commonwealth of Virginia. According to the Virginia Department of Health (VDH), the extended power outages may lead to low (below 20 psi) or loss of water pressure in a water distribution system, which could allow contamination to enter the water system through backflow by back-pressure or back-siphonage. This represents a threat to the public health. For example, on September 18, 2003, Hurricane Isabel impacted the east coast and then moved inland up through Virginia as a major tropical storm. The storm caused over two million customers to lose power, some for up to 16 days, and 18 percent of the community waterworks in Virginia to issue a boil water notice as a precautionary measure.

In order to better prepare the community waterworks in Virginia to respond to an extended power outage, the board promulgated an emergency regulation in October 2004 requiring that the community waterworks develop and maintain an emergency management plan for an extended power outage. The effective date for compliance was April 15, 2005, for waterworks serving a population of 3,300 or greater, and September 5, 2005, for waterworks serving a population under 3,300.

Now the board proposes to promulgate a permanent regulation that will replace the emergency regulation. According to the proposed regulation:

1. Each community waterworks¹ shall develop and maintain an emergency management plan for extended power outages.
2. Each plan shall be kept current and shall be kept at a location that is readily accessible in the event of an extended power outage.
3. Each community waterworks shall certify in writing to the appropriate field office of the Office of Drinking Water in the Department of Health that the waterworks has completed such plan.

In the emergency management plan, the community waterworks will be required to address the following: (1) identification of the criteria (events, duration of power outage, etc.) that will initiate activation of the plan, (2) how the community waterworks will respond to an extended power outage for a minimum of five days, (3) procedures for obtaining and distributing potable water in the event that primary source(s) becomes unavailable, (4) notification procedures and example notices to the public and media (local radio stations, television stations, local newspapers, etc.) including conservation and boil water advisories, (5) emergency disinfection procedures for distribution system(s) and storage tank(s), (6) the telephone number of the appropriate field office of the Office of Drinking Water in the Virginia Department of Health, (7) the names and telephone numbers of the waterworks personnel who should be notified, (8) the name and telephone number of the Local Emergency Coordinator designated by the Virginia Department of Emergency Management, and (9) the names and telephone numbers of the electric power, natural gas, and propane distributors, or other energy supplier to the waterworks. VDH will evaluate whether an emergency management plan is complete.

The proposed regulation will better prepare the community waterworks in Virginia to respond to an extended power outage for a minimum of five days. The community waterworks will be required to address in the emergency management plan procedures for obtaining and distributing potable water in the event that primary sources becomes unavailable. According to VDH, this could mean having bottled water delivered, having a water tanker truck deliver water to customers, obtaining water supply through interconnection to another waterworks, or having an arrangement with a fire department to deliver or distribute water, etc. Some community waterworks may be encouraged to install generators, or transfer switches and generator receptacles (in order to hook up portable generators).^{2, 3} So with the emergency management plan, the community waterworks will

¹ This includes consecutive waterworks that purchase or receive water from another community waterworks for resale.

² Some community waterworks have already installed or planned to install generators or take other measures to prepare themselves for extended power outages, in the absence of the proposed regulation. For example, according to VDH, Fairfax County is planning to spend about 60 million dollars to put on generators for its county system before the proposed regulation.

³ According to VDH, the cost for installing a generator could be \$50,000 for a ground water system and \$100,000 or more for a surface system. The estimated cost for installing transfer switch and generator receptacle varies from \$1,000 to \$10,000.

be able to respond to extended power outages in a more expedited manner, thus the likelihood of issuing boil water advisories due to unsafe tap water or other emergency declarations involving the state's drinking water will be decreased. As a result, the public health will be better protected.

The proposed regulatory action will also improve the Virginia Department of Health and the Commonwealth's ability to monitor and manage extended power outage events, which in turn will allow for better allocation of resources. Additionally, the proposed regulation will facilitate better communication between community waterworks owners, the public and government officials in times of emergency to help ensure safe drinking water.

The proposed requirement for an emergency management plan will affect the 1,300 community waterworks in the Commonwealth of Virginia. According to VDH, the 150 community waterworks that serve 3,300 people or more have been required by federal regulation to conduct a vulnerability assessment and either prepare or revise, where necessary, an emergency response plan (ERP) that incorporates the results of their vulnerability assessment. A variety of situations may have been planned for by waterworks that developed an ERP or some other type of emergency operating procedures manual. Many components of the emergency management plan regulation may have already been covered in these prepared plans. Therefore, the impact of the proposed regulation on the community waterworks serving 3,300 people or more may be moderate. However, waterworks serving a population of less than 3,300 were not required to prepare assessments or response plans. Therefore, those waterworks will need to develop a plan or modify whatever plan does exist. According to VDH, the projected increased cost to develop and maintain an emergency management plan is approximately eight hours of work per year, consisting of telephone calls, information gathering, and updating records. Although some community waterworks may be encouraged to install generators, or transfer switches and generator receptacles (in order to hook up portable generators), the proposed regulation does not require these specific solutions.

The residents in the Commonwealth of Virginia will benefit from the waterworks' better preparation for extended power outages. On the other hand, they may experience increased rates if the community waterworks choose to install generators, or transfer switches and generator receptacles.

The projected cost for VDH to implement the proposed regulation will be approximately \$10,000 for internal work group meetings and regional public meetings with stakeholders to plan and implement the regulatory action.

Businesses and entities affected. The proposed regulation will affect the 1,300 community waterworks in the Commonwealth of Virginia. Among those, the 150 waterworks that serve 3,300 people or more will be less significantly affected because previously they were required by federal regulation to maintain an ERP, which may have covered some components of the emergency management plan. The projected increased cost to develop and maintain the emergency management plan is approximately eight hours of

work per year, consisting of telephone calls, information gathering, and updating records.

Localities particularly affected. The proposed regulation affects localities throughout the Commonwealth, especially those that are more likely to encounter incidents such as ice storms, hurricanes, tornadoes and flooding.

Projected impact on employment. The proposed regulation will moderately increase costs for the community waterworks, but will likely not adversely affect employment. The community waterworks may need to pay for additional working hours for developing and maintaining the emergency management plan. Employment may also moderately increase for contractors that engage in generator installation or switch installation, if the community waterworks are encouraged to have the generator or switch installed.

Effects on the use and value of private property. The proposed regulation will cause an increased cost of eight hours of work per year for the community waterworks, which may moderately reduce their profit and commensurately, moderately reduce the value of these waterworks. On the other hand, the requirement of an emergency management plan will better prepare the community waterworks for an extended power outage and will benefit the residents served by the community waterworks. As a result, the value of the residential properties will be positively affected.

Small businesses: costs and other effects. According to VDH, all of the 1,300 community waterworks in the Commonwealth of Virginia are small businesses. The 150 waterworks serving 3,300 people or more will be affected less compared to the others because previously they were required by federal regulation to maintain an ERP, which may have already covered some components of the emergency management plan. For most of the community waterworks, the increased cost to develop and maintain an emergency management plan will be approximately eight hours of work per year.

Small businesses: alternative method that minimizes adverse impact. The proposed regulation will benefit the public health by better preparing the community waterworks to respond to extended power outages. The proposed regulation will less significantly affect the 150 community waterworks that serve 3,300 people or more. For the 1,150 smaller waterworks that serve fewer than 3,300 people, the proposed regulation will cause an increased workload of eight hours per year. There is no clear alternative method that would both achieve the stated goals to benefit the public and have a smaller adverse impact.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Virginia Department of Health concurs with the economic impact analysis prepared by the Virginia Department of Planning and Budget on October 25, 2005.

Summary:

The proposed amendment requires community waterworks to develop and maintain an emergency management plan (EMP) to provide pure water during extended power outages of no less than five days. The plan will address procedures for obtaining and distributing potable water;

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notification procedures to public officials, customers and the media; emergency disinfection procedures; and telephone numbers for state regulatory personnel, waterworks personnel, and energy suppliers to the waterworks.

12 VAC 5-590-505. Emergency management plan for extended power outages.

A. Each community waterworks (including consecutive waterworks) shall develop and maintain an emergency management plan for extended power outages.

B. Each plan shall be kept current and shall be kept at a location that is readily accessible in the event of an extended power outage.

C. Each community waterworks shall certify in writing to the appropriate field office of the Office of Drinking Water in the Department of Health that the waterworks has completed such plan.

D. Each plan shall address the following where applicable:

1. Identification of the criteria (events, duration of power outage, etc.) that will initiate activation of the plan.

2. How the community waterworks will respond to an extended power outage for a minimum of five days.

3. Procedures for obtaining and distributing potable water in the event that primary source(s) becomes unavailable.

4. Notification procedures and example notices to the public and media (local radio stations, television stations, local newspapers, etc.) including conservation and boil water advisories.

5. Emergency disinfection procedures for distribution system(s) and storage tank(s).

6. The telephone number of the appropriate field office of the Office of Drinking Water in the Virginia Department of Health.

7. The names and telephone numbers of the waterworks personnel who should be notified.

8. The name and telephone number of the Local Emergency Coordinator designated by the Virginia Department of Emergency Management.

9. The names and telephone numbers of the electric power, natural gas, and propane distributors, or other energy supplier to the waterworks.

VA.R. Doc. No. R05-96; Filed February 1, 2006, 11:30 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

Title of Regulation: **4 VAC 20-20. Pertaining to the Licensing of Fixed Fishing Devices (amending 4 VAC 20-20-50).**

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

Effective Date: January 27, 2006.

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

Summary:

The amendment exempts 2005 pound net licensees from the requirement to fish their pound nets in order to maintain their priority rights to their established locations in 2006 and eligibility for license renewal in 2006.

4 VAC 20-20-50. Priority rights; renewal by current licensee.

A. Applications for renewal of license for existing fixed fishing devices may be accepted by the officer beginning at 9 a.m. on December 1 of the current license year through noon on January 10 of the next license year providing the applicant has met all requirements of law and this chapter. Any location not relicensed during the above period of time shall be considered vacant and available to any qualified applicant after noon on January 10.

B. Except as provided in subsections C and D of this section, a currently licensed fixed fishing device must have been fished during the current license year in order for the licensee to maintain his priority right to such location. It shall be mandatory for the licensee to notify the officer, on forms provided by the commission, when the fixed fishing device is ready to be fished in the location applied for, by a complete system of nets and poles, except as provided in subsection D of this section, for the purpose of visual inspection by the officer. Either the failure of the licensee to notify the officer when the fixed fishing device is ready to be fished or the failure by the licensee actually to fish the licensed device, by use of a complete system of nets and poles, except as provided in subsection D of this section, shall terminate his

right or privilege to renew the license during the period set forth in subsection A of this section of this chapter, and he shall not become a qualified applicant for such location until 9 a.m. on February 1. Any application received from an unqualified applicant under this subsection shall be considered as received at 9 a.m. on February 1; however, in the event of the death of a current license holder, the priority right to renew the currently held locations of the deceased licensee shall not expire by reason of failure to fish said locations during the year for which they were licensed, but one additional year shall be and is hereby granted to the personal representative or lawful beneficiary of the deceased licensee to license the location in the name of the estate of the deceased licensee for purposes of fishing said location or making valid assignment thereof.

C. During the effective period of 4 VAC 20-530, which establishes a moratorium on the taking and possession of American shad in the Chesapeake Bay and its tributaries, any person licensed during 1993 to set a staked gill net who chooses not to set that net during the period of the moratorium may maintain his priority right to the stake net's 1993 location by completing an application for a fixed fishing device and submitting it to the officer. No license fee shall be charged for the application.

D. During ~~2004~~ 2005, current pound net licensees shall not be required to fish their pound nets or establish a complete system of nets and poles in order to renew their licenses or maintain their priority rights to such locations for ~~2005~~ 2006. Beginning in 2005, current pound net licensees with a licensed pound net located in the National Marine Fisheries Service Prohibited Pound Net Leader area shall not be required to fish their pound nets or establish a complete system of nets and poles in order to renew their licenses or maintain their priority rights to such locations for any subsequent year until such time that this prohibited area is no longer in effect.

VA.R. Doc. No. R06-178; Filed January 27, 2006, 10:22 a.m.

Title of Regulation: **4 VAC 20-530. Pertaining to American Shad (amending 4 VAC 20-530-10, 4 VAC 20-530-20 and 4 VAC 20-530-30; adding 4 VAC 20-530-31; repealing 4 VAC 20-530-23, 4 VAC 20-530-26, 4 VAC 20-530-29 and 4 VAC 20-530-35).**

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

Effective Date: January 27, 2006.

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.

Final Regulations

Summary:

The amendments establish a limited bycatch fishery for American shad. The amendments (i) provide a bycatch possession limit of 10 American shad per vessel; (ii) require a permit for participation in this bycatch fishery; and (iii) require participants to call in a weekly report to the commission's interactive voice response system.

4 VAC 20-530-10. Purpose.

The purposes of this chapter are to reduce fishing mortality in order to rebuild the Virginia stocks of American Shad and to comply with the requirements for ocean intercept commercial fisheries as specified by the Interstate Fishery Management Plan for Shad and River Herring.

4 VAC 20-530-20. Definition.

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

"Bycatch area" means those tidal waters of (i) the James River, from the James River Bridge upstream to a line connecting Dancing Point and New Sunken Meadow Creek; (ii) the York River, from the George P. Coleman Bridge upstream to the Rt. 33 Eltham and Lord Delaware bridges at West Point; and (iii) the Rappahannock River, from the Norris Bridge upstream to the Rt. 360 Downing Bridge at Tappahannock.

"Chesapeake Bay" means the areas all Virginia tidal waters west of the Colregs Demarcation Line which runs from that connect the Cape Henry Lighthouse in Virginia Beach to the Cape Charles Lighthouse on Smith Island.

"Coastal area" means the areas all Virginia tidal waters east of the Colregs Demarcation Line which runs from that connect the Cape Henry Lighthouse in Virginia Beach to the Cape Charles Lighthouse on Smith Island.

4 VAC 20-530-23. Coastal area fishery permits and gear restrictions. (Repealed.)

A. It shall be unlawful for any person to possess, harvest, land or sell more than 10 American shad without first qualifying for and obtaining a coastal area commercial American shad fishery permit from the commission as described in subsection B of this section.

B. A person shall be considered eligible for a coastal area commercial American shad fishery permit by satisfying the following eligibility criteria:

1. That person shall hold either a Commercial Fisherman Registration License or Seafood Landing License.
2. That person shall have landed and sold in Virginia at least 5,000 pounds of American shad in two or more years from 1993 through 2004.

C. The coastal area commercial American shad fishery permit described in this section must be in the possession of the permittee who is harvesting, possessing, or selling American shad. Failure of the permittee to have the appropriate permit in possession shall be a violation of this chapter.

~~D. It shall be unlawful for any person to sell American shad from the coastal area to any seafood buyer who is not permitted to buy American shad from the coastal area American shad fishery.~~

~~E. It shall be unlawful for any buyer to receive American shad from the coastal area commercial American shad fishery without first obtaining a permit from the commission.~~

~~F. It shall be unlawful for any person to take, possess or land any American shad from the coastal area using any gill net with mesh less than five inches or greater than six inches, stretched measure.~~

4 VAC 20-530-26. Commercial harvest quotas. (Repealed.)

~~A. The 2003 and 2004 coastal area commercial American shad fishery quota is 168,039 pounds.~~

~~B. In either 2003 or 2004, when it has been announced that the coastal area commercial American shad fishery quota has been projected as reached and the fishery has been closed, it shall be unlawful for any person to possess aboard any vessel or land in Virginia any American shad.~~

~~C. It shall be unlawful for any person to possess aboard any vessel or land in Virginia any American shad harvested from the coastal area after December 31, 2004.~~

4 VAC 20-530-29. Reporting requirements. (Repealed.)

~~A. It shall be unlawful for any person permitted for the coastal area commercial American shad fishery to fail to contact within one hour of landing, the Marine Resources Commission's Law Enforcement Operations Division to report his name and the name of the vessel, his permit number, the location where catch will be offloaded, and the estimated weight of the landing of American shad.~~

~~B. It shall be unlawful for any person permitted for the coastal area commercial American shad fishery to fail to contact within 24 hours of landing, the Marine Resources Commission's interactive voice recording system to report his name and the name of the vessel, his permit number and the weight of American shad landed.~~

~~C. Any buyer of American shad from the coastal area commercial American shad fishery shall maintain records of all purchases for the current year and prior year and make those records available to VMRC upon request.~~

4 VAC 20-530-30. Moratorium.

A. On or after January 1, 1994, It shall be unlawful for any person to catch and retain possession of American shad from the Chesapeake Bay or its tidal tributaries, except as described in 4 VAC 20-530-31.

B. It shall be unlawful for any person to possess aboard a vessel or land in Virginia any American shad harvested from the coastal area.

B. On and after January 1, 1994, C. It shall be unlawful for any person to possess any American shad taken from the Chesapeake Bay or its tidal tributaries, except as described in 4 VAC 20-530-31, or the coastal area.

4 VAC 20-530-31. Bycatch fishery.

A. Any registered commercial fisherman meeting the conditions described in this subsection shall be eligible to participate in the American shad bycatch fishery:

1. The registered commercial fisherman shall apply for a VMRC American Shad Bycatch Permit and possess that permit while fishing, landing, or selling his catch of American shad.

2. The registered commercial fisherman shall complete the VMRC American Shad Bycatch Survey form to describe his pending fishing activity.

B. It shall be unlawful for any person to possess aboard a vessel more than 10 American shad. When more than one registered and permitted fisherman is fishing on the same vessel, it shall be unlawful to possess more than 10 American shad aboard that vessel.

C. It shall be unlawful for any person to possess aboard a vessel or land any American shad, unless that person possesses at least an equal number of fish of only the following food-grade species: spot, croaker, bluefish, catfish, striped bass or white perch.

D. Possession of American shad by any person permitted in accordance with this regulation shall be lawful only when those American shad were harvested from the bycatch area. Possession of any American shad harvested in Virginia waters that are outside of the bycatch area shall constitute a violation of this regulation.

E. American shad harvested only as bycatch by anchored gill nets and staked gill nets may be possessed or retained for sale in accordance with the provisions of this regulation. It shall be unlawful for any person to harvest, land or possess any American shad taken by any commercial gear, except anchored gill net or staked gill net, or any recreational gear.

F. Every fisherman permitted for the American shad bycatch fishery shall contact the commission's interactive voice response system once weekly to report the following for the preceding weekly period: name, registration number, number of fishing trips taken, water body fished, number of nets set, number of American shad caught and number retained.

4 VAC 20-530-35. Limited exception to the moratorium. (Repealed.)

~~During the month of April, participants in the Virginia Marine Resources Commission and Virginia Department of Game and Inland Fisheries American Shad Restoration Project may retain or sell any American Shad which are caught for, but not utilized by, the American Shad Restoration Project.~~

VA.R. Doc. No. R06-179; Filed January 27, 2006, 10:22 a.m.

* * * * *

Title of Regulation: 4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-47 and 4 VAC 20-950-48).

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

Effective Date: February 1, 2006.

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) establish the 2006 directed commercial fishery quota on black sea bass as 631,380 pounds, (ii) establish the 2006 black sea bass bycatch quota as 118,082 pounds, and (iii) delete a specific reference of 2005 as it relates to bycatch requirements.

4 VAC 20-950-47. Commercial harvest quotas.

A. The ~~2004~~ 2006 directed commercial fishery black sea bass quota is ~~635,025 pounds, and the 2005 quota is 642,323~~ 631,380 pounds. When it has been announced that the directed fishery quota has been projected as reached and the directed fishery has been closed, it shall be unlawful for any directed commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass.

B. The ~~2004~~ 2006 bycatch commercial fishery black sea bass quota is ~~448,764~~ 118,082 pounds and the ~~2005~~ quota is ~~420,169~~ pounds. When it has been announced that the bycatch fishery quota has been projected as reached and the bycatch fishery has been closed, it shall be unlawful for any bycatch commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass. In the event the bycatch fishery quota is exceeded, the amount the quota overage shall be deducted from the following year's bycatch fishing quota.

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

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

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

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

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

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

E. The commission sets aside 17,000 pounds of the annual commercial fishery black sea bass quota for distribution to all qualified applicants granted an exception by the commission from the requirements of 4 VAC 20-950-46 B based upon medical conditions, or other hardship, which limited the applicant's ability to fish for black sea bass during the qualifying period. In granting an exception, the commission will give preference to those applicants who can demonstrate the greater levels of participation in the black sea bass fishery during and after the qualifying period or document an apprenticeship or helper status in the black sea bass fishery. Any applicant who is granted an exception by the commission shall receive a portion of the 17,000 pounds; however, no portion shall exceed the lowest individual fishery quota, in pounds, at the beginning of the season. There shall be no transfer of quota received by applicants to the exception process for a period of five years after receipt of that quota. Any portion of the 17,000 pounds not allotted by the commission to the qualified applicants as of November 1 shall be added to the annual bycatch quota described in 4 VAC 20-950-47 B.

VA.R. Doc. No. R06-181; Filed January 27, 2006, 10:21 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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

Titles of Regulations: 18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers (amending 18 VAC 65-20-110).

18 VAC 65-40. Resident Trainee Program for Funeral Service (amending 18 VAC 65-40-40).

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

Effective Date: March 22, 2006.

Agency Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9943 or e-mail elizabeth.young@dhp.virginia.gov.

Summary:

The amendments provide for a fee of \$35 for a check that is not paid by a financial institution on which it is drawn because of insufficient funds in the account in order to conform to § 2.2-614.1 of the Code of Virginia.

18 VAC 65-20-110. Additional fee information.

- A. There shall be a fee of ~~\$25~~ \$35 for returned checks.
- B. Fees shall not be refunded once submitted.
- C. The fee for the Virginia State Board Examination shall be paid directly to the examination service contracted by the board for its administration.

18 VAC 65-40-40. Fees.

A. The following fees shall be paid as applicable for registration:

1. Funeral service resident trainee registration, reinstatement or renewal	\$75;
2. Late fee for renewal up to 30 days after expiration	\$25;
3. Duplicate copy of trainee registration	\$25;
4. Returned check	\$25; \$35
5. Change of supervisor	\$15;

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refundable once submitted.

VA.R. Doc. No. R06-185; Filed January 31, 2006, 12:23 p.m.

BOARD OF NURSING

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

Titles of Regulations: **18 VAC 90-20. Regulations Governing the Practice of Nursing (amending 18 VAC 90-20-30).**

18 VAC 90-25. Regulations Governing Certified Nurse Aides (amending 18 VAC 90-25-80).

18 VAC 90-50. Regulations Governing the Certification of Massage Therapists (amending 18 VAC 90-50-30).

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

Effective Date: March 22, 2006.

Agency Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.virginia.gov.

Summary:

The amendments provide for a fee of \$35 for a check that is not paid by a financial institution on which it is drawn because of insufficient funds in the account to conform to § 2.2-614.1 of the Code of Virginia.

18 VAC 90-20-30. Fees.

Fees required in connection with the licensing of applicants by the board are:

1. Application for licensure by examination	\$130
2. Application for licensure by endorsement	\$130
3. Reapplication for licensure by examination	\$25
4. Biennial licensure renewal	\$95
5. Late renewal	\$35
6. Reinstatement of lapsed license	\$145
7. Reinstatement of suspended or revoked license	\$185
8. Duplicate license	\$5
9. Replacement wall certificate	\$15
10. Verification of license	\$25
11. Transcript of all or part of applicant/licensee records	\$25

12. Returned check charge	\$25 \$35
13. Application for CNS registration	\$95
14. Biennial renewal of CNS registration	\$60
15. Reinstatement of lapsed CNS registration	\$105
16. Verification of CNS registration to another jurisdiction	\$25
17. Late renewal of CNS registration	\$20

18 VAC 90-25-80. Renewal or reinstatement of certification.

A. Renewal of certification.

1. No less than 30 days prior to the expiration date of the current certification, a notice for renewal shall be mailed by the board to the last known address of each currently registered certified nurse aide.
2. The certified nurse aide shall submit a completed application with the required fee of \$50 and verification of performance of nursing-related activities for compensation within the two years immediately preceding the expiration date.
3. Failure to receive the application for renewal shall not relieve the certificate holder of the responsibility for renewing the certification by the expiration date.
4. A certified nurse aide who has not performed nursing-related activities for compensation during the two years preceding the expiration date of the certification shall repeat and pass the nurse aide competency evaluation prior to applying for recertification.
5. The board shall also charge a fee of ~~\$25~~ \$35 for a returned check.

B. Reinstatement of certification.

1. An individual whose certification has lapsed for more than 90 days shall file the required application and renewal fee and provide:
 - a. Verification of performance of nursing-related activities for compensation in the two years prior to the expiration date of the certificate and within the preceding two years; or
 - b. When nursing activities have not been performed during the preceding two years, evidence of having repeated and passed the nurse aide competency evaluation.
2. An individual who has previously had a finding of abuse, neglect or misappropriation of property is not eligible for reinstatement of his certification, except as provided in subsection C of this section.

C. If a finding of neglect was made against a certificate holder based on a single occurrence, an individual may petition for removal of the finding of neglect provided:

1. A period of at least one year has passed since the finding was made; and

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2. The individual seeking reinstatement demonstrates sufficient evidence that employment and personal history do not reflect a pattern of abusive behavior or neglect.

18 VAC 90-50-30. Fees.

A. Fees listed in this section shall be payable to the Treasurer of Virginia and shall not be refunded unless otherwise provided.

B. Fees required by the board are:

1. Application and initial certification	\$105
2. Biennial renewal	\$70
3. Late renewal	\$25
4. Reinstatement of certification	\$120
5. Reinstatement after suspension or revocation	\$150
6. Duplicate certificate	\$5
7. Replacement wall certificate	\$15
8. Verification of certification	\$25
9. Transcript of all or part of applicant/certificate holder records	\$25
10. Returned check charge	\$25-\$35

VA.R. Doc. No. R06-188; Filed February 1, 2006, 12:44 p.m.

Titles of Regulations: 18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners (amending 18 VAC 90-30-50).

18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners (amending 18 VAC 90-40-70).

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

Effective Date: March 22, 2006.

Agency Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.virginia.gov.

Summary:

The amendments provide for a fee of \$35 for a check that is not paid by a financial institution on which it is drawn because of insufficient funds in the account in order to conform to § 2.2-614.1 of the Code of Virginia.

18 VAC 90-30-50. Fees.

Fees required in connection with the licensure of nurse practitioners are:

1. Application	\$85
2. Biennial licensure renewal	\$50
3. Late renewal	\$20
4. Reinstatement of licensure	\$85

5. Verification of licensure to another jurisdiction	\$25
6. Duplicate license	\$5
7. Duplicate wall certificate	\$15
8. Return check charge	\$25 \$35

18 VAC 90-40-70. Fees for prescriptive authority.

The following fees have been established by the boards:

1. Initial issuance of prescriptive authority	\$50
2. Biennial renewal	\$25
3. Late renewal	\$10
4. Reinstatement of lapsed authorization	\$60
5. Reinstatement of suspended or revoked authorization	\$85
6. Duplicate of authorization	\$5
7. Return check charge	\$25-\$35

VA.R. Doc. No. R06-187; Filed February 1, 2006, 12:44 p.m.

BOARD OF COUNSELING

REGISTRAR'S NOTICE: The Board of Counseling is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 2, which excludes regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority. The Board of Counseling will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: 18 VAC 115-20. Regulations Governing the Practice of Professional Counseling (amending 18 VAC 115-20-106).

18 VAC 115-50. Regulations Governing the Practice of Marriage and Family Therapy (amending 18 VAC 115-50-96).

18 VAC 115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners (amending 18 VAC 115-60-116).

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

Effective Date: March 22, 2006.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9133, FAX (804) 662-9943 or e-mail evelyne.brown@dhp.virginia.gov.

Summary:

The amendments change references to "Commission on Rehabilitation Education" to "the Commission on Rehabilitation Counselor Certification."

18 VAC 115-20-106. Continuing competency activity criteria.

A. Continuing competency activities must focus on increasing knowledge or skills in one or more of the following areas:

1. Ethics, standards of practice or laws governing behavioral science professions;
2. Counseling theory;
3. Human growth and development;
4. Social and cultural foundations;
5. The helping relationship;
6. Group dynamics, processing and counseling;
7. Lifestyle and career development;
8. Appraisal of individuals;
9. Research and evaluation;
10. Professional orientation;
11. Clinical supervision;
12. Marriage and family therapy; or
13. Addictions.

B. Approved hours of continuing competency activity shall be one of the following types:

1. Formally organized learning activities or home study. Activities may be counted at their full hour value. Hours shall be obtained from one or a combination of the following board-approved, mental health-related activities:
 - a. Regionally accredited university or college level academic courses in a behavioral health discipline.
 - b. Continuing education programs offered by universities or colleges.
 - c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or licensed health facilities and licensed hospitals.
 - d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:
 - (1) The American Association of Marriage and Family Counselors and its state affiliates.
 - (2) The American Association of Marriage and Family Therapists and its state affiliates.
 - (3) The American Association of State Counseling Boards.
 - (4) The American Counseling Association and its state and local affiliates.
 - (5) The American Psychological Association and its state affiliates.
 - (6) ~~The Commission on Rehabilitation Education~~ *The Commission on Rehabilitation Education Counselor Certification.*

(7) NAADAC, The Association for Addiction Professionals and its state and local affiliates.

(8) National Association of Social Workers.

(9) National Board for Certified Counselors.

(10) A national behavioral health organization or certification body.

(11) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.

2. Individual professional activities.

a. Publication/presentation/new program development.

(1) Publication of articles. Activity will count for a maximum of eight hours. Publication activities are limited to articles in refereed journals or a chapter in an edited book.

(2) Publication of books. Activity will count for a maximum of 18 hours.

(3) Presentations. Activity will count for a maximum of eight hours. The same presentations may be used only once in a two-year period. Only actual presentation time may be counted.

(4) New program development Activity will count for a maximum of eight hours. New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses.

b. Dissertation. Activity will count for a maximum of 18 hours. Dissertation credit may only be counted once.

c. Clinical supervision/consultation. Activity will count for a maximum of ten hours. Continuing competency can only be granted for clinical supervision/consultation received on a regular basis with a set agenda. Continuing competency cannot be granted for supervision that you provide to others.

d. Leadership. Activity will count for a maximum of eight hours. The following leadership positions are acceptable for continuing competency credit: officers of state or national counseling organization; editor and/or reviewer of professional counseling journals; member of state counseling licensure/certification board; member of a national counselor certification board; member of a national ethics disciplinary review committee rendering licenses; active member of a counseling committee producing a substantial written product; chair of a major counseling conference or convention; other leadership positions with justifiable professional learning experiences. The leadership positions must take place for a minimum of one year after the date of first licensure.

e. Practice related programs. Activity will count up to a maximum of eight hours. The board may allow up to eight contact hours of continuing competency as long as the regulant submits proof of attendance plus a written justification of how the activity assists him in his direct

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service of his clients. Examples include language courses, software training, medical topics, etc.

18 VAC 115-50-96. Continuing competency activity criteria.

A. Continuing competency activities must focus on increasing knowledge or skills in one or more of the following areas:

1. Ethics, standards of practice or laws governing behavioral science professions;
2. Counseling theory;
3. Human growth and development;
4. Social and cultural foundations;
5. The helping relationship;
6. Group dynamics, processing and counseling;
7. Lifestyle and career development;
8. Appraisal of individuals;
9. Research and evaluation;
10. Professional orientation;
11. Clinical supervision;
12. Marriage and family therapy; or
13. Addictions.

B. Approved hours of continuing competency activity shall be one of the following types:

1. Formally organized learning activities or home study. Activities may be counted at their full hour value. Hours shall be obtained from one or a combination of the following board-approved, mental health-related activities:
 - a. Regionally accredited university or college level academic courses in a behavioral health discipline.
 - b. Continuing education programs offered by universities or colleges.
 - c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local licensed health facilities and licensed hospitals.
 - d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:
 - (1) The American Association of Marriage and Family Counselors and its state affiliates.
 - (2) The American Association of Marriage and Family Therapists and its state affiliates.
 - (3) The American Association of State Counseling Boards.
 - (4) The American Counseling Association and its state and local affiliates.
 - (5) The American Psychological Association and its state affiliates.

(6) *The Commission on Rehabilitation Education Counselor Certification.*

(7) NAADAC, The Association for Addiction Professionals. and its state and local affiliates.

(8) National Association of Social Workers.

(9) National Board for Certified Counselors.

(10) A national behavioral health organization or certification body.

(11) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.

2. Individual professional activities.

a. Publication/presentation/new program development.

(1) Publication of articles. Activity will count for a maximum of eight hours. Publication activities are limited to articles in refereed journals or a chapter in an edited book.

(2) Publication of books. Activity will count for a maximum of 18 hours.

(3) Presentations. Activity will count for a maximum of eight hours. The same presentations may be used only once in a two-year period. Only actual presentation time may be counted.

(4) New program development activity will count for a maximum of eight hours. New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses.

b. Dissertation. Activity will count for a maximum of 18 hours. Dissertation credit may only be counted once.

c. Clinical supervision/consultation. Activity will count for a maximum of ten hours. Continuing competency can only be granted for clinical supervision/consultation received on a regular basis with a set agenda. Continuing competency cannot be granted for supervision that you provide to others.

d. Leadership. Activity will count for a maximum of eight hours. The following leadership positions are acceptable for continuing competency credit: officers of state or national counseling organization; editor and/or reviewer of professional counseling journals; member of state counseling licensure/certification board; member of a national counselor certification board; member of a national ethics disciplinary review committee rendering licenses; active member of a counseling committee producing a substantial written product; chair of a major counseling conference or convention; other leadership positions with justifiable professional learning experiences. The leadership positions must take place for a minimum of one year after the date of first licensure.

e. Practice related programs. Activity will count up to a maximum of eight hours. The board may allow up to

eight contact hours of continuing competency as long as the regulant submits proof of attendance plus a written justification of how the activity assists him in his direct service of his clients. Examples include language courses, software training, medical topics, etc.

18 VAC 115-60-116. Continuing competency activity criteria.

A. Continuing competency activities must focus on increasing knowledge or skills in one or more of the following areas:

1. Ethics, standards of practice or laws governing behavioral science professions;
2. Counseling theory;
3. Human growth and development;
4. Social and cultural foundations;
5. The helping relationship;
6. Group dynamics, processing and counseling;
7. Lifestyle and career development;
8. Appraisal of individuals;
9. Research and evaluation;
10. Professional orientation;
11. Clinical supervision;
12. Marriage and family therapy; or
13. Addictions.

B. Approved hours of continuing competency activity shall be one of the following types:

1. Formally organized learning activities or home study. Activities may be counted at their full hour value. Hours shall be obtained from one or a combination of the following board-approved, mental health-related activities:
 - a. Regionally accredited university-or college-level academic courses in a behavioral health discipline.
 - b. Continuing education programs offered by universities or colleges.
 - c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or licensed health facilities and licensed hospitals.
 - d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:
 - (1) The American Association of Marriage and Family Counselors and its state affiliates.
 - (2) The American Association of Marriage and Family Therapists and its state affiliates.
 - (3) The American Association of State Counseling Boards.

(4) The American Counseling Association and its state and local affiliates.

(5) The American Psychological Association and its state affiliates.

(6) *The Commission on Rehabilitation Education Counselor Certification.*

(7) NAADAC, The Association for Addiction Professionals, and its state and local affiliates.

(8) National Association of Social Workers.

(9) The National Board for Certified Counselors.

(10) A national behavioral health organization or certification body.

(11) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.

2. Individual professional activities.

a. Publication/presentation/new program development.

(1) Publication of articles. Activity will count for a maximum of eight hours. Publication activities are limited to articles in refereed journals or a chapter in an edited book.

(2) Publication of books. Activity will count for a maximum of 18 hours.

(3) Presentations. Activity will count for a maximum of eight hours. The same presentations may be used only once in a two-year period. Only actual presentation time may be counted.

(4) New program development. Activity will count for a maximum of eight hours. New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses.

b. Dissertation. Activity will count for a maximum of 18 hours. Dissertation credit may only be counted once.

c. Clinical supervision/consultation. Activity will count for a maximum of 10 hours. Continuing competency can only be granted for clinical supervision/consultation received on a regular basis with a set agenda. Continuing competency cannot be granted for supervision that you provide to others.

d. Leadership. Activity will count for a maximum of eight hours. The following leadership positions are acceptable for continuing competency credit: officers of state or national counseling organization; editor and/or reviewer of professional counseling journals; member of state counseling licensure/certification board; member of a national counselor certification board; member of a national ethics disciplinary review committee rendering licenses; active member of a counseling committee producing a substantial written product; chair of a major counseling conference or convention; other leadership

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positions with justifiable professional learning experiences. The leadership positions must take place for a minimum of one year after the date of first licensure.

e. Practice related programs. Activity will count up to a maximum of eight hours. The board may allow up to eight contact hours of continuing competency as long as the regulant submits proof of attendance plus a written justification of how the activity assists him in his direct service of his clients. Examples include language courses, software training, medical topics, etc.

VA.R. Doc. No. R06-184; Filed January 31, 2006, 12:22 p.m.



EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-40 and 4 VAC 20-720-50).**

Statutory Authority: §§ 28.2-201, 28.2-210, and 28.2-507 of the Code of Virginia.

Effective Dates: February 1, 2006, through February 28, 2006.

Agency Contact: Katherine V. 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 amendment extends the public ground oyster harvest season for the James River Hand Scrape Area and the Thomas Rock Hand Scrape Area through February 28, 2006.

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

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

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2005, through April 30, 2006.
2. Seaside of Eastern Shore: for clean cull oysters only, October 1, 2005, through January 31, 2006.
3. The following areas shall be opened from October 1, 2005, through January 31, 2006: the Rappahannock River Hand Tong Area; the Corrotoman River Hand Tong Area; the Rappahannock River Hand Scrape Area; the Drumming Ground Hand Scrape Area (Rappahannock River); the Temples Bay Hand Scrape Area (Rappahannock River); the Coan River Area; the Nomini River Area; the Lower Machodoc Area; the Yeocomico River Area; the Piankatank River; the Little Wicomico River; the Great Wicomico River Hand Scrape Area; ~~the James River Hand Scrape Area;~~ the Blackberry Hangs Hand Scrape Area (Upper Chesapeake Bay); the York River Hand Scrape Area; ~~the Thomas Rock Hand Scrape Area (James River);~~ and the Deep Rock Dredge Area (Lower Chesapeake Bay).
4. Tangier Sound and Pocomoke Sound: December 1, 2005, through February 28, 2006.
5. *The James River Hand Scrape Area and the Thomas Rock Hand Scrape Area (James River): October 1, 2005, through February 28, 2006.*

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, 2005, through September 30, 2006.
2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2006, through September 30, 2006.
3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, February 1, 2006, through September 30, 2006, and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.
4. The following areas shall be closed from February 1, 2006, through September 30, 2006: the Rappahannock River Hand Tong Area; the Corrotoman River Hand Tong Area; the Rappahannock River Hand Scrape Area; the Temples Bay Hand Scrape Area (Rappahannock River); the Drumming Ground Hand Scrape Area (Rappahannock River); the Nomini River Area; the Lower Machodoc Area; the Coan River Area; the Piankatank River; the Yeocomico River Area; the Little Wicomico River; the Great Wicomico River Hand Scrape Area; ~~the James River Hand Scrape Area;~~ ~~the Thomas Rock Hand Scrape Area and the Blackberry Hangs Hand Scrape Area (Upper Chesapeake Bay);~~ the York River Hand Scrape Area; ~~and the Deep Rock Dredge Area (Lower Chesapeake Bay).~~
5. Tangier Sound and Pocomoke Sound: October 1, 2005 through November 30, 2005, and March 1, 2006, through September 30, 2006.
6. *The James River Hand Scrape Area and the Thomas Rock Hand Scrape Area (James River): March 1, 2006, through September 30, 2006.*

VA.R. Doc. No. R06-180; Filed January 27, 2006, 10:21 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: **6 VAC 20-260. Regulations Relating to Bail Enforcement Agents (adding 6 VAC 20-260-10 through 6 VAC 20-260-360).**

Statutory Authority: §§ 9.1-102 and 9.1-186.2 of the Code of Virginia.

Effective Dates: February 20, 2006, through February 19, 2007.

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Agency Contact: Lisa McGhee, Regulatory Program Manager, Criminal Justice Services Board, 202 North Ninth Street, Richmond, VA 23219, telephone (804) 371-2419, FAX (804) 786-6344, or e-mail lisa.mcghee@dcjs.virginia.gov.

Preamble:

The board and the department are required by § 9.1-102 of the Code of Virginia to license and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia effective October 1, 2005. Pursuant to § 9.1-186.2 of the Code of Virginia, the board shall adopt regulations that are necessary to ensure respectable, responsible, safe and effective bail enforcement within the Commonwealth. The licensure process will require that an individual submit his fingerprints to conduct a national and Virginia criminal history records search and complete compulsory minimum training requirements. The regulations should be in place by October 1, 2005.

The regulation establishes a licensure process to include a fingerprint-based background check, licensure fees, compulsory minimum entry-level training standards, and administration of the regulatory system. It authorizes the department to receive complaints concerning the conduct of any person whose activities are monitored by the board, to conduct investigations; to issue disciplinary action; and to revoke, to suspend, and to refuse to renew a license. These procedures are established to ensure respectable, responsible, safe and effective bail enforcement in the Commonwealth.

CHAPTER 260.
REGULATIONS RELATING TO BAIL ENFORCEMENT
AGENTS.

PART I.
DEFINITIONS.

6 VAC 20-260-10. Definitions.

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

"Armed" means a bail enforcement agent who carries or has immediate access to a firearm in the performance of his duties.

"Bail bondsman" means any person who is licensed by the department who engages in the business of bail bonding and is thereby authorized to conduct business in all courts of the Commonwealth.

"Bail enforcement agent," also known as "bounty hunter," means any individual engaged in bail recovery.

"Bail recovery" means an act whereby a person arrests a bailee with the object of surrendering the bailee to the appropriate court, jail, or police department, for the purpose of discharging the bailee's surety from liability on his bond. "Bail recovery" shall include investigating, surveilling or locating a bailee in preparation for an imminent arrest, with such object and for such purpose.

"Bailee" means a person who has been released on bail, and who is or has been subject to a bond, as defined in § 19.2-119 of the Code of Virginia.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Certified training school" means a training school, which is certified or licensed by the Department for the specific purpose of training regulated personnel in at least 1 category of the compulsory minimum training standards.

"Combat loading" means tactical loading of shotgun while maintaining coverage of threat area.

"Department" or "DCJS" means the Department of Criminal Justice Services or any successor agency.

"Firearms endorsement" means a method of regulation which identifies a person licensed as a bail enforcement agent who has successfully completed the annual firearms training and has met the requirements as set forth in this regulation.

"On duty" means the time during which bail enforcement agents receive or are entitled to receive compensation for employment for which licensure is required.

PART II.
FEES.

6 VAC 20-260-20. Fees.

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing and other administrative requests for services relating to bail enforcement services.

Categories	Fees
Initial bail enforcement agent license	\$200.00
Bail enforcement agent license renewal (Bi-Annually)	\$200.00
Firearms endorsement (Annually)	\$10.00
Fingerprint card processing (Bi-Annually)	\$50.00
Replacement photo identification	\$15.00
Partial Training Exemption	\$25.00

B. Dishonor of fee payment due to non-sufficient funds.

1. The department may suspend the license it has granted any person who submits a check or similar instrument for payment of a fee required by statute or regulation, which is not honored by the financial institution upon which the check or similar instrument is drawn.

2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the licensee may request that the suspended license or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompanies the request. Suspension under this provision shall be exempt from the Administrative Process Act.

PART III.
LICENSING PROCEDURES AND REQUIREMENTS.

6 VAC 20-260-30. Bail enforcement agent eligibility.

Persons required to be licensed, pursuant to § 9.1-102.48 of the Code of Virginia, as a bail enforcement agent shall meet all licensure requirements in this section. Persons who carry or have access to a firearm while on duty must have a valid license with a firearms endorsement as described under 6 VAC 20-260-80 of this regulation. If carrying a handgun concealed, the person must also have a valid concealed handgun permit, and the written permission of his employer pursuant to § 18.2-308 of the Code of Virginia.

A. Each person applying for a Bail Enforcement Agent license shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 21 years of age;
2. Be a United States citizen or legal resident alien of the United States;
3. Have received a high school diploma or GED;
4. Have successfully completed all initial training requirements, including firearms endorsement if applicable, requested pursuant to the compulsory minimum training standards in Part IV of this regulation.

B. The following persons are not eligible for licensure as a bail enforcement agent and may not be employed nor serve as agents for a bail enforcement agent:

1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored;
2. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state, or the United States within the preceding five years. This prohibition may be waived by the department, for good cause shown, so long as the conviction was not for one of the following or a substantially similar misdemeanor: carrying a concealed weapon, assault and battery, sexual battery, a drug offense, driving under the influence, discharging a firearm, a sex offense, or larceny.
3. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state, or the United States, that is substantially similar to the following: brandishing a firearm or stalking. The department may not waive the prohibitions under this subdivision 3.
4. Persons currently the subject of a protective order within the Commonwealth or another state.
5. Employees of a local or regional jail; sheriff's office; state or local police department; an office of an attorney for the Commonwealth; Department of Corrections, Department of Criminal Justice Services, or a local community corrections agency.

6 VAC 20-260-40. Initial bail enforcement agent license application.

Prior to the issuance of any bail enforcement agent license, each agent applicant shall:

1. File with the department a completed application for such license on the form and in the manner provided by the department.
2. Successfully complete entry-level training, and firearms training if applicable, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation;
3. Submit fingerprints to the department pursuant to 6 VAC 20-260-50;
4. Submit the appropriate nonrefundable application processing fee to the department.

6 VAC 20-260-50. Fingerprint processing.

A. Each person applying for licensure as a bail enforcement agent shall submit to the Department:

1. One completed fingerprint card provided by the department or another electronic method approved by the department;
2. A fingerprint processing application;
3. The applicable nonrefundable fee; and
4. All criminal history conviction information on a form provided by the department.

B. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the person or persons have a record of conviction.

C. Fingerprint cards found to be unclassifiable will suspend action on the application pending the re-submittal of a classifiable fingerprint card. The applicant shall be so notified in writing and shall submit a new fingerprint card within 30 days before the processing of his application shall resume. After 30 days, the initial fingerprint application process will be required to include applicable application fees.

D. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

6 VAC 20-260-60. Application sanctions/denial, probation, suspension and revocation.

A. The department may deny a license in which any person has been convicted in any jurisdiction of any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this regulation. The record of a conviction, authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.

B. The department may deny a license in which any person has not maintained good standing in every jurisdiction where licensed; or has had his license denied upon initial application, suspended, revoked, surrendered, or not renewed; or has

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otherwise been disciplined in connection with a disciplinary action prior to applying for licensing in Virginia.

C. Any false or misleading statement on any state application or supporting documentation is grounds for denial or revocation and may be subject to criminal prosecution.

D. The department may deny licensure to a person for other just cause.

E. A licensee shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this regulation. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act. The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

6 VAC 20-260-70. License issuance.

A. Upon completion of the initial license application requirements, the department may issue an initial license for a period not to exceed 24 months.

B. Each license shall be issued to the applicant named on the application and shall be valid only for the person named on the license. No license shall be assigned or otherwise transferred to another person.

C. Each licensee shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this regulation.

D. At the discretion of the department, a temporary license may be issued for a 30-day period while awaiting the results of the applicant's criminal history records search based on extenuating circumstances.

6 VAC 20-260-80. Firearms endorsement.

In addition to applying for a bail enforcement agent license, each applicant who carries or has access to a firearm while on duty must apply for such endorsement on a form and in the manner prescribed by the board, and containing any information the board requires.

A. Prior to the issuance of a firearms endorsement, each applicant shall:

1. Successfully complete the entry-level firearms training, pursuant to the compulsory minimum training standards set forth in Part IV of this regulation; and
2. Submit the appropriate nonrefundable application-processing fee to the department.

B. Upon completion of the application requirements, the department may issue a firearms endorsement for a period not to exceed 12 months.

C. Firearms endorsements may be reissued for a period not to exceed a period of 12 months when the applicant has met the following requirements:

1. Filed with the department a completed application for such endorsement on the form and in the manner provided by the department at least 30 days prior to expiration of their current endorsement; and

2. Successfully completed the firearms re-training, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation; and

3. Submitted the appropriate nonrefundable application-processing fee to the department.

6 VAC 20-260-90. License renewal application.

A. The department should receive applications for licensure renewal at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the licensed person. However, if a renewal notification is not received by the person, it is the responsibility of the person to ensure renewal requirements are filed with the department.

B. Each person applying for License renewal shall meet the minimum requirements for eligibility as follows:

1. Successfully complete the in-service training, and firearms retraining if applicable, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation;
2. Be in good standing in every jurisdiction where licensed. This subdivision shall not apply to any probationary periods during which the person is eligible to operate under the license; and
3. Maintain eligibility pursuant to 6 VAC 20-260-30 B of this regulation.

C. The department may renew a license when the department receives the following:

1. A properly completed renewal application provided by the department;
2. Fingerprint cards submitted pursuant to 6 VAC 20-260-50;
3. The applicable, nonrefundable license renewal fee; and
4. Proof of successful completion of the in-service training, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation.

D. Upon completion of the renewal license application requirements, the department may issue a license for a period not to exceed 24 months.

E. Any renewal application received by the department shall meet all renewal requirements prior to the expiration date of a license or shall be subject to the initial bail enforcement agent license application requirements pursuant to 6 VAC 20-260-40.

6 VAC 20-260-100. Replacement state-issued identification.

Licensed person seeking a replacement state-issued photo identification shall submit to the Department:

1. A properly completed application provided by the department; and
2. The applicable, nonrefundable application fee.

PART IV.
COMPULSORY MINIMUM TRAINING STANDARDS FOR
BAIL ENFORCEMENT AGENTS.

Article 1.
Training Requirements.

6 VAC 20-260-110. Entry-level training.

A. Each bail enforcement agent as defined by § 9.1-186 of the Code of Virginia, must meet the compulsory minimum training standards herein established, unless provided for otherwise in accordance with this regulation.

B. Training will be credited only if application for licensure is submitted to the department within 12 months of completion of training.

C. Hour requirement. The compulsory minimum entry-level-training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be:

1. Bail Enforcement Core Training -- 40 hours
2. Firearms Training -- 14 hours

D. Course content. The compulsory minimum entry-level-training course content, excluding examinations, mandated practical exercises and range qualification, shall be as provided in this subsection.

Core subjects. The entry-level curriculum set forth the following areas identified as:

I. Orientation: ethics - 2 hours

A. Ethics

1. Professionalism
2. Conflict of Interest
3. Code of Ethics

II. Law: Code of Virginia and Regulations; basic law; courts; and bail enforcement - 12 hours + 1 practical exercise

A. Code of Virginia and Regulations

1. Definitions
2. Licensing Procedures and Requirements
3. Compulsory Minimum Training Standards
4. Standards of Practice and Prohibited Acts
5. Administrative Requirements/Standards of Conduct
6. Administrative Reviews, Complaints, Procedures

B. Basic Law

1. Legal Terminology and Definitions
2. Purpose and Function of Law
3. U.S. Constitution
 - a. Bill of Rights
 - b. Amendments

4. Code of Virginia
 - a. Bail Bonding Laws
 - b. Laws of Arrest
5. Landmark Cases
 - a. Taylor v. Taintor
 - b. Old Fugitive Slave Laws
6. Virginia Cases
7. Limitations and Liabilities

C. Courts

1. Federal Court System
 - a. Criminal
 - b. Civil
2. State Court System
 - a. Criminal
 - b. Civil

D. Bail Enforcement

1. Right to Arrest
2. Search and Seizure
3. Uniform Extradition Act
4. Virginia Extradition Procedures
5. Legal and Criminal Forms

III. Fugitive Recovery: investigative techniques; recovery procedures; agent survival; and apprehension of a fugitive - 24 Hours + 1 practical exercise

A. Investigative Techniques

1. Surveillance
2. Court Research
3. Law Enforcement Coordination
4. Interviewing
5. Impersonation and Misrepresentation
6. Reference Materials and Resource List
7. Skip Tracing Techniques
8. Fugitive Identification

B. Recovery Procedures

1. Pursuit
 - a. Foot
 - b. Vehicular
 - c. Other
2. Entry and Search
3. Perimeter/ Interior Room Control

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C. Agent Survival

1. Confrontation Management
2. Use of Force
3. Deadly Force
4. Escalation of Force
5. Emergency Procedures

D. Apprehension of a Fugitive

1. Compliant versus Non-compliant Procedures
2. Search of Person
 - a. Personal Items
 - b. Seizure of Contraband
3. Handcuffing Techniques
4. Rights of the Accused
5. Detainment and Transportation
6. Interstate Transport
7. False Arrest

IV. Remanding To Custody: legal detainment facilities; entering the jail or sally port; signing the bail piece/return to court; and hospital procedures for injuries - 2 hours + 1 practical exercise

A. Legal Detainment Facilities

B. Entering the Jail or Sally Port

C. Signing the Bail Piece/Return to Court

D. Hospital Procedures for Injuries

V. Written comprehensive examination.

6 VAC 20-260-120. In-service training.

A. Each person licensed with the department as a bail enforcement agent shall complete the compulsory in-service training standards within the last 12 months preceding the expiration date of licensure.

B. Course content. The compulsory minimum in-service training course content by category, excluding examinations, practical exercises and range qualification, shall be as follows:

Bail Enforcement core subjects:

- a) Legal authority--2 hours
- b) Job-related training--6 hours

Total hours--8 hours

6 VAC 20-260-130. Training exemption.

Persons who meet the statutory requirements as set forth in § 9.1-186 of the Code of Virginia may apply for a partial exemption from the compulsory training standards. Individuals requesting such partial exemption shall file an application furnished by the department and include the applicable, nonrefundable application fee. The department may issue

such partial exemption on the basis of individual qualifications as supported by required documentation. Those applying for and receiving exemptions must comply with all regulations promulgated by the board. Each person receiving a partial exemption must apply to the department for registration within 12 months from the date of issuance; otherwise the partial exemption shall become null and void.

6 VAC 20-260-140. Entry-level training exemption.

A. Persons previously employed as law-enforcement officers for a local, state or federal government who have not terminated or been terminated from said employment more than five years prior to the application date must submit official documentation of the following with the application for partial exemption of the entry-level training requirements.

1. Completion of law-enforcement entry-level training; and
2. Five continuous years of law-enforcement employment provided such employment as a law-enforcement officer was not terminated due to misconduct or incompetence.

B. Persons having previous bail enforcement agent training and five years continuous experience must submit official documentation of the following with the application for partial exemption:

1. Completion of previous bail enforcement agent training, which has been approved by the department and which meets or exceeds the compulsory minimum training standards promulgated by the board; and
2. Five years continuous experience in bail recovery, provided such experience did not end more than twelve months prior to submittal of licensure application.

6 VAC 20-260-150. In-service training exemption.

Persons who have completed training which meets or exceeds the compulsory minimum training standards promulgated by the board for the in-service training required for bail enforcement agents may be authorized credit for such training, provided the training has been completed within 12 months of the expiration date of the license period during which in-service training is required. Such training must be provided by a third party organization offering services or expertise for the particular training category. Official documentation of the following must accompany the application for in-service training credit:

1. Information regarding the sponsoring organization, including documentation regarding the instructor for each session; and
2. An outline of the training session material, including the dates, times and specific subject matter.
3. Proof of attendance and successful completion.

6 VAC 20-260-160. Prior firearms training exemption.

Persons having previous department-approved firearms training may be authorized credit for such training which meets or exceeds the compulsory minimum training standards for private security services business personnel, provided such training has been completed within the 12 months preceding the date of application. Official documentation of

the following must accompany the application for partial in-service training credit:

1. Completion of department-approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

6 VAC 20-260-170. Training extension.

A. An extension of the time period to meet in-service training requirements may be approved only under specific circumstances, which do not allow bail enforcement agents to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;
2. Extended injury;
3. Military or Foreign Service.

B. A request for extension shall:

1. Be submitted in writing, dated and signed by the licensee prior to the expiration date of the time limit required for completion of the requirements;
2. Indicate the projected date the person will be able to comply with the requirements; and
3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.

C. No extension will be approved for licenses that have expired.

D. Applications for additional extensions may be approved upon written request of the licensee.

Article 2. Firearms Training Requirements.

6 VAC 20-260-180. General firearms training requirements.

Firearms training endorsement is required for all bail enforcement agents who carry or have immediate access to a firearm while on duty. Each person who carries or has immediate access to firearms while on duty shall qualify with each type of action and caliber of firearm to which he has access.

6 VAC 20-260-190. Firearms (handgun/shotgun) entry-level training.

All armed bail enforcement agents must satisfactorily complete the firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services of the Virginia Administrative Code for handgun and for shotgun, if applicable, prior to the issuance of the Firearms Endorsement.

6 VAC 20-260-200. Firearms (handgun/shotgun) retraining.

On an annual basis all armed bail enforcement agents must requalify for a firearms Endorsement by satisfactorily completing firearms classroom training, practical exercises

and range training, as prescribed in the Regulations Relating to Private Security Services of the Virginia Administrative Code for handgun and for shotgun, if applicable.

Article 3. Training Sessions.

6 VAC 20-260-210. Bail enforcement and firearms training sessions.

A. Training sessions will be conducted by private security services training schools certified or licensed under the Regulations Relating to Private Security Services in accordance with requirements established in this chapter. Adherence to the administrative requirements, attendance and standards of conduct are the responsibility of the training school, training school director and instructor of the training session.

B. Administrative requirements.

1. In a manner approved by the department, a notification to conduct a training session shall be submitted to the department. All notifications shall be received by the department, or postmarked if mailed, no less than seven calendar days prior to the beginning of each training session to include the date, time, instructors and location of the training session. The department may allow a session to be conducted with less than seven calendar days of notification with prior approval. Session notifications require no fee from the training school. A notification to conduct a training session shall be deemed to be in compliance unless the training school director is notified by the department to the contrary.

2. Notification of any changes to the dates, times, location or cancellation of a future training session must be submitted to the department in writing and received by the department at least 24 hours in advance of the scheduled starting time of the class. In the event that a session must be cancelled on the scheduled date, the department must be notified immediately followed by a cancellation in writing as soon as practical.

3. On a form provided by the department, the training school director shall issue an original training completion form and training certificate to each student who satisfactorily completes a training session no later than five business days following the training completion date.

4. In a manner approved by the department, the training school director shall submit an original training completion roster to the department affirming each student's successful completion of the session. The training completion roster shall be received by the department within seven calendar days, or postmarked if mailed, no later than five business days following the training completion date. The training completion roster for each session must be accompanied by the applicable, nonrefundable-processing fee.

5. A written examination shall be administered at the conclusion of each entry-level training session. The examination shall be based on the applicable learning objectives. The student must attain a minimum grade of 70% for all entry-level training examinations to satisfactorily complete the training session.

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6. Firearms classroom training shall be separately tested and graded. Individuals must achieve a minimum score of 70% on the firearms classroom training examination.

7. Failure to achieve a minimum score of 70% on the firearms classroom written examination will exclude the individual from the firearms range training.

8. To successfully complete the firearms range training; the individual must achieve a minimum qualification score of 75% of the scoring value of the target.

9. To successfully complete the bail enforcement agent entry-level training session, the individual must:

a. Successfully complete each of the three graded practical exercises required; and

b. Pass the written examination with a minimum score of 70%.

C. Attendance.

1. Individuals enrolled in an approved training session are required to be present for the hours required for each training session unless they have been granted a partial exemption to training from the department.

2. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed. Such training must be completed within 60 days after the completion of the training session or at the next available session offered by the training school. Individuals not completing the required training within this period are required to complete the entire training session.

3. Individuals that do not successfully complete the compulsory minimum training standards of the training session shall not be reported to the department except where required pursuant to this chapter.

4. Each individual attending an approved training session shall comply with the regulations promulgated by the board and any other rules within the authority of the training school. If the training school director or instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on examinations, the training school director or instructor may expel the individual from the school. Notification of such action shall immediately be reported to the employing firms and the department.

D. Standards of conduct.

1. The training school, training school director and instructor shall at all times conform to the application requirements, administrative requirements and standards of conduct established for certification as a training school and instructor.

2. Training sessions will be conducted by certified instructors or other individuals authorized to provide instruction pursuant to this chapter.

3. Training sessions will be conducted utilizing lesson plans developed including at a minimum the compulsory minimum training standards established pursuant to this chapter.

4. Instruction shall be provided in no less than 50-minute classes.

5. Training sessions may not exceed nine hours of classroom instruction per day. Range qualification and practical exercises shall not be considered classroom instruction; however, total training, including the maximum allotment of nine hours classroom instruction and applicable range qualification and practical exercises, shall not exceed 12 hours per day. This does not include time allotted for breaks, meals and testing.

6. All audio-visual training aids must be accompanied by a period of instruction where the instructor reviews the content of the presentation and the students are provided the opportunity to ask questions regarding the content.

7. A training session must adhere to the minimum compulsory training standards and must be presented in its entirety. Training school directors may require additional hours of instruction, testing or evaluation procedures.

8. A training session must provide accurate and current information to the students.

9. Mandated training conducted not in accordance with the Code of Virginia and this chapter is null and void.

10. A duplicate set of instructor course materials including all student materials shall be made available to any department inspector during the training session, if requested.

PART V.

RECORDKEEPING STANDARDS AND REPORTING REQUIREMENTS.

6 VAC 20-260-220. Reporting standards and requirements.

A. Each licensed bail enforcement agent shall report within 30 calendar days to the department any change in his residence, name, or business name or business address, and ensure that the department has the names and fictitious names of all companies under which he carries out his bail recovery business.

B. Each licensed bail enforcement agent arrested or issued a summons for any crime shall report such fact within 30 calendar days to the department, and shall report to the department within 30 days the facts and circumstances regarding the final disposition of his case.

C. Each licensed bail enforcement agent shall report to the department within 30 calendar days of the final disposition any administrative action taken against him by another governmental agency in this Commonwealth or in another jurisdiction. Such report shall include a copy of the order, consent to order or other relevant legal documents.

D. Each licensed bail enforcement agent shall report to the department within 24 hours any event in which he discharges a firearm during the course of his duties.

PART VI.
ADMINISTRATIVE REQUIREMENTS/STANDARDS OF
CONDUCT.

6 VAC 20-260-230. General requirements.

All bail enforcement agents are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, department guidelines and this regulation.

6 VAC 20-260-240. Professional conduct standards; grounds for disciplinary actions.

A. Any violations of the restrictions or standards under this statute shall be grounds for placing on probation, refusal to issue or renew, sanctioning, suspension or revocation of the bail enforcement agent's license. A licensed bail enforcement agent is responsible for ensuring that his employees, partners and individuals contracted to perform services for or on his behalf comply with all of these provisions, and do not violate any of the restrictions that apply to bail enforcement agents. Violations by a bail enforcement agent's employee, partner, or agent may be grounds for disciplinary action against the bail enforcement agent, including probation, suspension or revocation of license.

B. A licensed bail enforcement agent shall not:

1. Engage in any fraud or willful misrepresentation, or provide materially incorrect, misleading, incomplete or untrue information in applying for an original license, or renewal of an existing license, or in submitting any documents to the department.
2. Use any letterhead, advertising, or other printed matter in any manner representing that he is an agent, employee, or instrumentality of the federal government, a state, or any political subdivision of a state.
3. Impersonate, permit or aid and abet any employee to impersonate, a law-enforcement officer or employee of the United States, any state, or a political subdivision of a state.
4. Use a name different from that under which he is currently licensed for any advertising, solicitation, or contract to secure business unless the name is an authorized fictitious name.
5. Coerce, suggest, aid and abet, offer promise of favor, or threaten any person to induce that person to commit any crime.
6. Give or receive, directly or indirectly, any gift of any kind to any nonelected public official or any employee of a governmental agency involved with the administration of justice, including but not limited to law-enforcement personnel, magistrates, judges, jail employees, and attorneys. De minimis gifts, not to exceed \$50 per year per recipient, are acceptable, provided the purpose of the gift is not to directly solicit business, or would otherwise be a violation of department regulations or the laws of the Commonwealth.
7. Knowingly violate, advise, encourage, or assist in the violation of any statute, local jurisdictional law, court order,

or injunction in the course of conducting activities regulated under this chapter.

8. Solicit business for an attorney in return for compensation.
9. Willfully neglect to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties, but if the bail enforcement agent chooses to withdraw from the case and returns the funds for work not yet done, no violation of this section exists.
10. Fail to comply with any of the statutory or regulatory requirements governing licensed bail enforcement agents.
11. Fail or refuse to cooperate with any investigation by the department.
12. Fail to comply with any subpoena issued by the department.
13. Employ or contract with any unlicensed or improperly licensed person or agency to conduct activities regulated under this article, if the licensure status was known or could have been ascertained by reasonable inquiry.
14. Solicit or receive a bribe or other consideration in exchange for failing to recover or detain a bailee.

C. The department shall have the authority to place on probation, suspend or revoke a bail enforcement agent's license if an agent is arrested or issued a summons for a criminal offense, or becomes the subject of a protective order.

6 VAC 20-260-250. Recovery of bailees; methods of capture; standards and requirements; limitations.

- A. During the recovery of a bailee, a bail enforcement agent shall have a copy of the relevant recognizance for the bailee. He shall also have written authorization from the bailee's bondsman, obtained prior to effecting the capture. The department shall develop the written authorization form to be used in such circumstances.
- B. A bail enforcement agent shall not enter a residential structure without first verbally notifying the occupants who are present at the time of the entry.
- C. Absent exigent circumstances, a bail enforcement agent shall give prior notification of at least 24 hours to local law enforcement or state police of the intent to apprehend a bailee. In all cases, a bail enforcement agent shall inform local law enforcement within 60 minutes of capturing a bailee.
- D. In the apprehension of a bailee, the bail enforcement agent shall provide a written inventory of items taken into possession to both the bailee as well as the legal detention facility.
- E. A bail enforcement agent shall not utilize a canine or security rifle in the performance of bail recovery.
- F. A bail enforcement agent may not transfer a bailee to an unlicensed bail bondsman or bail enforcement agent within the Commonwealth of Virginia.

Emergency Regulations

G. A bail enforcement agent shall not break any laws of the Commonwealth in the act of apprehending a bailee.

6 VAC 20-260-260. Uniforms and identification; standards and restrictions.

A. A bail enforcement agent shall not wear, carry, or display any uniform, badge, shield, or other insignia or emblem that implies he is an agent of state, local, or federal government.

B. A bail enforcement agent shall wear or display only identification issued by, or whose design has been approved by the department.

PART VII.

COMPLAINTS, DEPARTMENT ACTIONS, ADJUDICATION.

Article 1.
Complaints.

6 VAC 20-260-270. Submittal requirements.

A. Any aggrieved or interested person may file a complaint against any person whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing bail enforcement services or this regulation.

B. Complaints may be submitted:

1. In writing, or on a form provided by the department, by a signed complainant;
2. In writing, submitted anonymously, that provide sufficient detailed information for the department to conduct an investigation; or
3. Telephonically, providing the complaint alleges activities which constitute a life-threatening situation, or have resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm or personal injury, and that provide sufficient detailed information for the department to conduct an investigation.

6 VAC 20-260-280. Department investigation.

A. The department may initiate or conduct an investigation based on any information received or action taken by the department to determine compliance with the Code of Virginia and this regulation.

B. Documentation.

1. Persons regulated or required to be regulated by this regulation pursuant to the Code of Virginia are required to provide Department investigators with any and all records required to be maintained by this regulation.
 - a. This shall not be construed to authorize the Department to demand records protected under applicable federal and state laws. If such records are necessary to complete an investigation, the department may seek a subpoena to satisfy the request.
 - b. The department shall endeavor to review, and request as necessary, only those records required to verify alleged violations of compliance with the Code of Virginia and this regulation.

2. The department shall endeavor to keep any documentation, evidence or information on an investigation confidential until such time as adjudication has been completed, at which time information may be released upon request pursuant to applicable federal and state laws, rules or regulations.

Article 2.

Department Actions.

6 VAC 20-260-290. Penalties, criminal and monetary.

A. Any person who engages in bail recovery in the Commonwealth without a valid license issued by the Department is guilty of a Class 1 misdemeanor. A third conviction under this section is a Class 6 felony.

B. Any person who violates any statute or Board regulation who is not criminally prosecuted shall be subject to the monetary penalty provided in this section. If the Board determines that a respondent is guilty of the violation complained of, the Board shall determine the amount of the monetary penalty for the violation, which shall not exceed \$2,500 for each violation. The penalty may be sued for and recovered in the name of the Commonwealth.

6 VAC 20-260-300. Disciplinary action; sanctions; publication of records.

A. Each person subject to jurisdiction of this regulation who violates any statute or regulation pertaining to bail enforcement services shall be subject to sanctions imposed by the Department regardless of criminal prosecution.

B. The Department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of the Code of Virginia or of this regulation:

1. Letter of reprimand or censure;
2. Probation for any period of time;
3. Suspension of license or approval granted, for any period of time;
4. Revocation;
5. Refusal to issue or renew a license or approval;
6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted;
7. Remedial Training.

C. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this regulation but do not hold a valid license, certification or registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

D. The director (chief administrative officer of the department) may summarily suspend a license under this regulation without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the

continued operations of the licensee would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm, personal injury or loss.

E. All proceedings pursuant to this section are matters of public record and shall be preserved. The department may publish a list of the names and addresses of all licensees whose conduct and activities are subject to this regulation and have been sanctioned or denied licensure or approval.

6 VAC 20-260-310. Fines, administrative and investigative costs.

The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or regulations, which result in a sanction, including fine, probation, suspension, revocation or denial of any license. Such costs shall be in addition to any monetary penalty that may be imposed.

Article 3.
Adjudication.

6 VAC 20-260-320. Hearing process.

Following a preliminary investigative process, the department may initiate action to resolve the complaint through an informal fact-finding conference or formal hearing as established in this regulation. Pursuant to the authority conferred in § 9.1-141 C 6 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act and the procedures prescribed herein, the department is empowered to receive, review, investigate and adjudicate complaints concerning the conduct of any person whose activities are regulated by the board. The board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

6 VAC 20-260-330. Informal fact-finding conference.

The purpose of an informal fact-finding conference is to resolve allegations through informal consultation and negotiation. Informal fact-finding conferences shall be conducted in accordance with § 2.2-4019 of the Code of Virginia. The respondent, the person against whom the complaint is filed, may appeal the decision of an informal fact-finding conference and request a formal hearing, provided that written notification is given to the department within 30 days of the date the informal fact-finding decision notice was served, or the date it was mailed to the respondent, whichever occurred first. In the event the informal fact-finding decision was served by mail, three days shall be added to that period.

6 VAC 20-260-340. Formal hearing.

A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.

B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of any license or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant such license, registration, certification or approval, unless the department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be limited to (i) the reasonable hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

6 VAC 20-260-350. Appeals.

The findings and the decision of the director may be appealed to the board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services, within 30 days following the date notification of the hearing decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

6 VAC 20-260-360. Court review; appeal of final agency order.

A. The agency's final administrative decision (final agency orders) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the City of Richmond, Virginia.

B. Notification shall be given to the attention of the Director, Department of Criminal Justice Services, in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

C. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect, unless the court issues a stay of the order.

/s/ Mark R. Warner
Governor
January 11, 2006

VA.R. Doc. No. R06-183; Filed January 31, 2006, 10:56 a.m.

GUIDANCE DOCUMENTS

Sections 2.2-4008 and 2.2-4103 of the Code of Virginia require annual publication in the *Virginia Register* of guidance document lists from state agencies covered by the Administrative Process Act and the Virginia Register Act. A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

Generally, the format for the guidance document list is: document number (if any), title of document, date issued or last revised, and citation of Virginia Administrative Code regulatory authority or Code of Virginia statutory authority. Questions concerning documents or requests for copies of documents should be directed to the contact person listed by the agency.

DEPARTMENT OF CHARITABLE GAMING

Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 5 p.m. at the Department of Charitable Gaming, James Monroe Building, 17th Floor, 101 North 14th Street, Richmond, VA 23219-3684. Copies may be obtained free of charge by contacting Martha Hazelgrove, Administrative Staff Assistant, at telephone (804) 786-3014, FAX (804) 786-1079. This document is available on our webpage at www.dcg.virginia.gov. Questions regarding interpretation or implementation of this document may be directed to Clyde Cristman, Director of the Department of Charitable Gaming, at the address above or by telephone at (804) 225-2598, FAX (804) 786-1079, or via e-mail at clyde.cristman@dcg.virginia.gov.

Guidance Document:

Charitable Gaming Board – Charitable Gaming Rules and Regulations and Supplier Regulations, revised January 1, 2006.

DEPARTMENT OF STATE POLICE

Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the headquarters of the State Police, 7700 Midlothian Turnpike, Richmond, VA 23235, or downloaded and printed from the Department of State Police website at www.virginiatrooper.org. Mail inquiries should be submitted to the Department of State Police, Firearms Transaction Center, P.O. Box 85608, Richmond, VA 23285-5608. Copies may be obtained for a fee of \$5.00 by contacting our Firearms Transaction Center Manager at the same address, telephone (804) 674-2210 or FAX (804) 674-2791.

Questions concerning interpretation or implementation of this document may be directed to the Criminal Justice Information Services Division, Firearms Transaction Center Manager, Department of State Police, P.O. Box 85608, Richmond, VA 23235-5608, by e-mail firearms@vsp.virginia.gov, telephone (804) 674-2210 or FAX (804) 674-2791.

Guidance Document:

Virginia Firearms Transaction Program, Procedures Manual for Firearms Dealers, http://www.vsp.state.va.us/cjis_ftc_dealers.htm, revised July 1, 2005, § 18.2-308.2:2, Code of Virginia (Free)

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Copies of the following document may be obtained from any of the Department of State Police, Field Division Headquarters, or by writing to the Internal Affairs Section, Professional Standards Unit, Department of State Police, P.O. Box 27472, Richmond, VA 23261-7472.

Questions concerning the contents of this document may be directed to the Internal Affairs Manager at the above address or at telephone (804) 323-2383.

Guidance Document:

Brochure entitled How the Complaint Process Works, <http://www.vsp.state.va.us/professionalstandards.htm>, revised June 1, 2005, § 9.1-600, Code of Virginia (Free)

COLLEGE OF WILLIAM AND MARY

Copies of the following documents may be viewed during regular work days from 8 a.m. to 5 p.m. in the Office of University Publications, Holmes House, College of William and Mary, Williamsburg, VA 23185. Copies may be obtained free of charge by contacting Lucinda H. Baker at the same address, telephone (757) 221-2632, FAX (757) 221-3243, or e-mail lhbake@wm.edu. The documents may be downloaded from the College of William and Mary website <http://www.wm.edu>.

Questions regarding interpretation or implementation of these guidance documents may be directed to Lucinda H. Baker, Director of Publications, College of William and Mary, Williamsburg, VA 23185, telephone, (757) 221-2632, FAX (757) 221-3243, or e-mail lhbake@wm.edu.

Guidance Documents:

Faculty Handbook, revised December 2005

Student Handbook, revised August 2005

Employee Handbook, revised September 2005

Campus Security and Crime Information Annual Report for Calendar 2003

Board of Visitors Bylaws, revised March 2001

Undergraduate Program Catalog, revised August 2005

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load - Beaverdam Creek Watershed

Public meeting: Staunton River High School in Moneta, Virginia, on March 14, 2006, from 7 p.m. to 9 p.m. Directions: From Bedford, take Rt. 122 towards the lake and turn right onto Rt. 24. Turn right onto Golden Eagle Drive. From Roanoke area, take 24 E/Elm Ave. Continue to 24 E and turn left onto Golden Eagle Drive.

Purpose of notice: The Virginia Department of Environmental Quality announces a public meeting and a study to restore water quality in the Beaverdam Creek watershed.

Meeting description: Public meeting on a study to restore water quality in the Beaverdam Creek watershed.

Description of study: Virginia agencies are working to identify sources of bacterial pollution in the Beaverdam Creek watershed. This contamination exceeds water quality standards, which decreases the suitability of the water for swimming, kayaking and other recreational activities involving direct contact with the water.

The following is a description of the "impaired" stream including its location, the length of the impaired segment and the reason for the impairment: Beaverdam Creek, Bedford Co., 5.58 miles, bacteria.

During the study, the state agencies will develop a total maximum daily load, or a TMDL, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, contamination levels have to be reduced to the TMDL amount.

How to comment: DEQ accepts written comments by e-mail, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting and be received by April 14, 2006. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Mary R. Dail, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6715, FAX (540) 562-6860, or e-mail mrdail@deq.virginia.gov.

Total Maximum Daily Load - Blacks Run and Cooks Creek

The Department of Conservation and Recreation (DCR) and the Virginia Department of Environmental Quality invite citizens to a public meeting to present the Water Quality Implementation Plan to address fecal coliform bacteria and aquatic life impairments in Blacks Run and Cooks Creek. Both streams are identified as impaired due to high levels of fecal coliform bacteria as well as having a degraded aquatic community due to high levels of sediment and phosphorus. DCR and DEQ seek written and oral comments from interested persons on the plan. The plan is a clean-up

strategy that identifies ways to meet the pollution reductions necessary to meet water quality standards. The necessary pollutant reductions are outlined in the Total Maximum Daily Load (TMDL) studies approved by EPA in 2002 and available on DEQ's website at <http://www.deq.virginia.gov/tmdl>.

The final public meeting on the development of the implementation plan for the Blacks Run and Cooks Creek impairments will be held on Thursday, March 2, 2006, at 7 p.m., Rockingham County Board of Supervisors Room, Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, Virginia.

The purpose of the meeting is to present and discuss the draft implementation plan for the fecal coliform and aquatic life impairments. Section 62.1-44.19.7 C of the Code of Virginia requires the development of an implementation plan for approved TMDLs. The plan includes the corrective actions needed to reduce bacteria, sediment and phosphorus and their associated costs, benefits and environmental impacts. The plan also provides measurable goals and a timeline of expected achievement of water quality objectives. A fact sheet on the development of the IP is available upon request. The impaired segments addressed in the plan are:

- Blacks Run: 10.7 miles from the headwaters to the confluence with Cooks Creek
- Cooks Creek: 17.7 miles from the headwater to the confluence with North River

How to comment: The public comment period for this public meeting will end on April 3, 2006. Oral comments will be accepted and addressed at the public meeting. Additional questions or information requests should be addressed to Jason Ericson. Written comments and inquires should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Ericson, Virginia Department of Conservation and Recreation, 101 N. 14th Street, 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, or e-mail jason.ericson@dcr.virginia.gov.

Total Maximum Daily Load - City of Hampton, City of Poquoson and York County

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria in shellfish propagation waters located in the City of Hampton, City of Poquoson and in York County, Virginia. The impaired segments are located in VDH Growing Area 54 containing:

- | | |
|-----------------|--|
| Growing Area 54 | Cedar Creek, northwest branch Back River |
| Growing Area 54 | Topping Creek, northwest branch Back River |
| Growing Area 54 | Tabbs Creek, northwest branch Back River |
| Growing Area 54 | Watts Creek, northwest branch Back River |

General Notices/Errata

Growing Area 54 Front Cove, northwest branch Back River
Growing Area 54 S.W. Branch Back River
Growing Area 54 Harris River, Back River
Growing Area 54 Wallace Creek, Back River
Growing Area 54 Long Creek, Back River
Growing Area 54 Gundland Creek, Back River

The impaired segments are located in VDH Growing Area 53 containing:

Growing Area 53 - 137A Poquoson River: Chisman Creek
Growing Area 53 - 137B Patrick's Creek
Growing Area 53 - 137C Poquoson River
Growing Area 53 - 137D Lambs Creek
Growing Area 53 - 137E Poquoson River: Roberts Creek
Growing Area 53 - 137F Lyons creek
Growing Area 53 - 137G White House Creek
Growing Area 53 - 137H Bennett Creek
Growing Area 53 - 137I Easton Cove
Growing Area 53 - 151 Back Creek

All waters are tributaries to Chesapeake Bay. The affected water body segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia, require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

This is the final public meeting on these waters to provide information contained in the draft TMDL and solicit public comment. The meeting will be held on March 23, 2006, from 7 to 9 p.m. at the Sandy Bottom Nature Center Conference Room, 1255 Big Bethel Road, Hampton, Virginia. Directions can be obtained by calling Chester Bigelow at (804) 698-4554. The public comment period will begin on March 24, 2006, and end on April 21, 2006. Questions or information requests should be addressed to Chester Bigelow and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or e-mail cbigelow@deq.virginia.gov.

Total Maximum Daily Load - Lewis Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for Lewis Creek in Augusta County and the City of Staunton. This stream was listed on the 1996 303(d) TMDL Priority List and Report as impaired due to violation of the state's general standard for aquatic life (i.e., a benthic impairment). The general standard impairment includes a 9.55-mile segment from just south of the Staunton City limits to the confluence with the Middle River.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for

pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

A final public meeting on the development of TMDLs to address the benthic impairment on Lewis Creek will be held on Wednesday, March 8, 2006, 7 p.m., at the Staunton City Council Chambers, Staunton City Hall, 116 W. Beverley St., Staunton, VA.

A copy of the draft benthic TMDL report will be available for review on or before March 8, 2006, on the DEQ website at <http://www.deq.state.va.us/tmdl/tmdlrpts.html>. The public comment period for the draft report and the meeting will end on April 7, 2006. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail rbrent@deq.virginia.gov.

Total Maximum Daily Load - Northumberland County

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria in shellfish propagation waters located in Northumberland County, Virginia.

All impaired segments are located wholly within Northumberland County. These areas are described in the following publications:

- 1) Growing Area 14 as described in Virginia Department of Health, Notice and Description of Shellfish Area Condemnation Numbers 123, Mill Creek & Cloverdale Creek, effective 7 June 1996, 2 June 1997, 5 June 1998, 15 May 2001, 24 June 2002, 4 August 2004, and 17 May 2005 respectively.
- 2) Growing Area 15 as described in Virginia Department of Health, Notice and Description of Shellfish Area Condemnation Numbers 22, Dividing Creek and Prentiss Creek, effective 27 February 1997, 17 February 1999, 25 February 1998, 17 June 1999, 21 April 2000, 1 May 2002, 25 April 2003, and 3 May 2005, respectively.
- 3) Growing Area 13 and 14 as described in Virginia Department of Health, Notice and Description of Shellfish Area Condemnation Number 89 and 220, Great Wicomico River, effective 30 May 1996, 28 May 1997, 19 May 1999, 26 April 2000, 15 March 2001, 3 April 2002, 4 April 2003, 16 April 2004, and 4 March 2005.

The affected water body segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia, require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The Technical Advisory Committee meeting on the development of the fecal coliform TMDL's will be held on February 28, 2006, from 2 p.m. to 4 p.m. at the Northumberland Public Library, located at 7204 Northumberland Highway in Heathsville, Virginia. The final public meeting will be held on Monday, March 13, 2006, at the Northumberland Public Library. Directions can be obtained by calling Chris French at (804) 521-5124.

The public comment period will begin on March 13, 2005, and end on April 12, 2006. Questions or information requests should be addressed to Chris French and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chris French, Department of Environmental Quality, Piedmont Regional Office, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804)-527-5106, or e-mail rcfrench@deq.virginia.gov.

Total Maximum Daily Loads - Pamunkey River, South Anna River, Totopotomoy Creek, Taylor's Creek, Black's Creek, Monquin Creek, and Web Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address water quality impairments of specific stream segments in the following seven watersheds: Pamunkey River, South Anna River, Totopotomoy Creek, Taylor's Creek, Black's Creek, Monquin Creek, and Web Creek. The subject stream segments, all in the Pamunkey River 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.

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 Hanover, King William, Louisa, New Kent, Orange, and Spotsylvania counties, as set forth in the table below.

Stream	County/City	Length (mi.)	Impairment
Pamunkey River	King William, New Kent	0.84 square miles	Bacteria
Black's Creek	New Kent	2.61	Bacteria
Monquin Creek, Webb Creek	King William	11.83	Bacteria
Totopotomoy Creek	Hanover	9.6	Bacteria
South Anna River	Hanover	22.22	Bacteria
Newfound River	Hanover	10.61	Bacteria
South Anna River	Hanover	4.63	Bacteria
Taylor's Creek	Louisa	16.26	Bacteria

South Anna River	Louisa	6.27	Bacteria
South Anna River	Orange, Louisa	7.0	Bacteria
Northeast Creek	Spotsylvania	1.04	Bacteria

A technical advisory committee (TAC) meeting on the development of the Pamunkey Basin TMDLs will be held Thursday, March 9, 2006, at 2 p.m. in the Council Chambers of the Ashland Municipal Building, 101 Thompson Street, Ashland, Virginia.

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 Chris French for Spotsylvania, Hanover, King William and New Kent counties; or Bryant Thomas for questions relating to Orange and Louisa counties. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Chris French, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, or e-mail rcfrench@deq.virginia.gov or Bryant Thomas, Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, or e-mail bhthomas@deq.virginia.gov.

Total Maximum Daily Load - Pigg River and Old Womans Creek Watersheds

Public Meeting: Sontag Elementary School in Rocky Mount, Virginia, on March 9, 2006, from 7 p.m. to 9 p.m. Directions: From Rocky Mount, take 220 S and turn left onto Sontag Road (Rt. 619). Follow Sontag Rd. for 3.2 miles and turn into elementary school parking lot. From Martinsville area, take 220 N and turn right onto Sontag Road (Rt. 619). Follow Sontag Road for 3.2 miles and turn into the elementary school parking lot.

Purpose of notice: The Virginia Department of Environmental Quality announces a public meeting to discuss the results of a water quality study in the Pigg River and Old Womans Creek watersheds.

Meeting description: Final public meeting on a study to restore water quality in the Pigg River and Old Womans Creek watersheds.

Description of study: Virginia agencies are working to identify sources of bacterial pollution in the Pigg River and Old Womans Creek watersheds. This contamination exceeds water quality standards, which decreases the suitability of the water for swimming, kayaking and other recreational activities involving direct contact with the water.

The following is a list of the "impaired" waters, their location, the length of the impaired segment and the reason for the impairment: Pigg River, Franklin and Pittsylvania counties, 63.98 miles, bacteria; Leesville Lake, Pittsylvania County, 154 acres, bacteria; Storey Creek, Franklin County, 11.60 miles, bacteria; Snow Creek, Franklin and Pittsylvania counties,

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10.98 miles, bacteria; Old Womans Creek, Campbell County, 4.86 miles, bacteria; and Big Chestnut Creek, Franklin County, 12.88 miles, bacteria.

During the study, the state agencies developed a total maximum daily load, or a TMDL, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, contamination levels have to be reduced to the TMDL amount.

How to comment: DEQ accepts written comments by e-mail, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting and be received by April 9, 2006. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Mary R. Dail, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6715, FAX (540) 562-6860, or e-mail mrtdail@deq.virginia.gov.

Total Maximum Daily Load - City of Poquoson and York County

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the draft report developed for a Total Maximum Daily Load (TMDL) for fecal coliform bacteria in shellfish propagation waters located in the City of Poquoson and York County, Virginia. The impaired segments are located in VDH Growing Area 53 containing:

Growing Area 53 - 137A	Poquoson River: Chisman Creek
Growing Area 53 - 137B	Patrick's Creek
Growing Area 53 - 137C	Poquoson River
Growing Area 53 - 137D	Lambs Creek
Growing Area 53 - 137E	Poquoson River: Roberts Creek
Growing Area 53 - 137F	Lyons Creek
Growing Area 53 - 137G	White House Creek
Growing Area 53 - 137H	Bennett Creek
Growing Area 53 - 137I	Easton Cove
Growing Area 53 - 151	Back Creek

The impaired segments are located in VDH Growing Area 54 containing:

Growing Area 54	Cedar Creek, northwest branch Back River
Growing Area 54	Topping Creek, northwest branch Back River
Growing Area 54	Tabbs Creek, northwest branch Back River
Growing Area 54	Watts Creek, northwest branch Back River
Growing Area 54	Front Cove, northwest branch Back River
Growing Area 54	S.W. Branch Back River
Growing Area 54	Harris River, Back River
Growing Area 54	Wallace Creek, Back River
Growing Area 54	Long Creek, Back River
Growing Area 54	Gundland Creek, Back River

All waters are tributaries to Chesapeake Bay. The affected water body segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia, require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

This is the first public meeting, to provide information and solicit participation of citizens and local government in the development of the fecal coliform TMDL's to be held on March 16, 2006, from 7 p.m. to 9 p.m. at the Poquoson City Council Chambers, 500 City Hall Avenue, Poquoson, VA. Directions can be obtained by calling Chester Bigelow at (804) 698-4554 or the City of Poquoson Offices at (757) 868-3000.

The public comment period will begin on March 17, 2006, and end on April 17, 2006. Questions or information requests should be addressed to Chester Bigelow and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or e-mail cbbigelow@deq.virginia.gov.

Total Maximum Daily Load - Stroubles Creek

A TMDL study was completed and approved for the benthic impairment in Stroubles Creek watershed in January 2004. The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation intend to facilitate development of a TMDL implementation plan (IP) for the Stroubles Creek watershed in Montgomery County and the Town of Blacksburg. The final public meeting on the project will be held for interested stakeholders on February 28, 2006, in the Community Room at the Blacksburg Public Library, 200 Miller Street from 7 p.m. to 9 pm. The purpose of the meeting is to finalize the implementation planning report. The goal of the IP is to identify and quantify corrective actions (i.e., BMPs) necessary to obtain the nonpoint source load allocations for the various sources identified in the TMDL study. IPs must include, not only corrective actions, but also measurable goals based on monitoring or implementation milestones, an implementation schedule, cost/benefit analysis, a monitoring plan, and a target date for achieving compliance with water quality standards.

While there is no current requirement under the Federal Clean Water Act that TMDL implementation plans be prepared, there is a state requirement based on the 1997 Virginia Water Quality Monitoring, Information and Restoration Act. DCR has provided funding and support to date for the development of five implementation plans that address bacteria and benthic impairments for 18 stream segments, with three additional implementation plans in the initial start-up stage. DEQ also provides funding and support for implementation plan development, including this one for Stroubles Creek.

The public comment period for this phase of the TMDL development will end on March 28, 2006. Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Hill, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, or e-mail jrhill@deq.virginia.gov.

Total Maximum Daily Load - City/County of Suffolk

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria in shellfish propagation waters located in the City/County of Suffolk, Virginia.

The impaired segment is located in VDH Growing Area #8 (063-008 Upper Nansemond River). The condemned area includes all of the Nansemond River and its tributaries lying upstream of a line drawn between map coordinate (N36°50'59.6", W76°31'52.7") and map coordinate (N36°51'07.4", W76°31'06.7"). The segment begins at Lake Meade Dam and ends at Nansemond Point/Sleepy Hole.

All waters are tributaries to the Chesapeake Bay.

The affected water body segments were identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters, and do not support the Aquatic Life Use Support Goal. The shellfish harvesting condemnation imposed by the VDH-Division of Shellfish Sanitation was the basis to assess this segment as minimally impaired for the Shellfishing Use Support Goal. A 0.32 square mile segment of the Nansemond River had sufficient exceedences of the fecal coliform bacteria and enterococci standard to assess this segment as impaired and not supporting the Recreation Use Support Goal (2004 Report). Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia, require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting has been scheduled for Tuesday, February 21, 2006, at 6 p.m. in the Morgan Memorial Library, 443 W. Washington Street, Suffolk, Virginia. The purpose of the meeting is to discuss the TMDL development process and to share information on bacteria sources in the watershed. Anyone interested in attending this meeting should contact Jennifer Howell (contact information provided below). Information from this meeting will be made available on the DEQ TMDL website at <http://www.deq.virginia.gov/tmdl/>

Questions or information requests should be addressed to Jennifer Howell. The public comment period will end on March 23, 2006. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Jennifer Howell, Department of

Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA, 23462, telephone (757) 518-2111, FAX (757) 518-2003, or e-mail jshowell@deq.virginia.gov.

Virginia Coastal Resources Management Program

Notice of action: This public notice is to inform interested parties that the Virginia Coastal Resources Management Program's enforceable polices have been updated and incorporated into the program.

Purpose of the notice: The Coastal Zone Management Act (15 CFR 923.84) requires state Coastal Zone Management Programs to formally incorporate changes made to the laws and policies that are used for Federal Consistency. The changes discussed here were previously made to the individual policies and are now formally incorporated into the Virginia Coastal Resources Management Program. These updates are considered to be Routine Program Changes, and, therefore, do not significantly affect the (i) uses subject to management; (ii) special management areas; (iii) boundaries; (iv) authorities and organization or (v) coordination, public involvement and national interest components of the Virginia Coastal Resources Management Program. The National Oceanic and Atmospheric Administration has concurred with the revised provisions discussed below and has approved their incorporation into the Program. Federal consistency shall apply to the revised provisions effective February 20, 2006.

A summary of the updates to the Virginia Coastal Resources Management Program is as follows:

(1) Executive Order 23 (2002) - The Virginia Coastal Resources Management Program (VCP) was established in 1986 through Executive Order 13. This Program Change will replace the Executive Order currently authorizing the Program with Executive Order 23 (2002).

(2) Chesapeake Bay Preservation Area Designation and Management Regulations, Virginia Administrative Code (9 VAC 10-20-30 et seq.) - The Commonwealth of Virginia has revised the Commonwealth's enforceable policies in the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-30 et seq., effective March 1, 2002. This Program Change incorporates the new regulations into Program.

(3) Chesapeake Bay Preservation Act, § 10.1-2100 et seq. - In 2005, an amendment to the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.) was adopted which eliminates the Chesapeake Bay Local Assistance Department and transfers responsibility for administration of the Act to the Department of Conservation and Recreation. This Program Change updates the department name referred to in the Act.

To review documents: The text of these changes as well as an analysis of their implication to the Virginia Coastal Resources Management Program is available on the Virginia Coastal Resources Management Program's website beginning February 20, 2006, at www.deq.virginia.gov/coastal. If you require paper copies of any of these documents, please

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contact the Virginia Coastal Resources Management Program through Rachel Bullene at (804) 698-4122.

DEPARTMENT OF HEALTH

Drinking Water Construction Funding

VDH will offer funding informational meetings at six locations throughout the state. Attendance is on a first come basis and is limited to 50 people at each location.

Material will focus on Drinking Water Construction funding available through VDH. The Drinking Water State Revolving Fund (DWSRF) Program and the Water Supply Assistance Fund (WSAGF) Program will be discussed. You will be asked for your specific suggestions and opinions.

You will be advised on program updates and then guided through program criteria, program applications, and the project scheduling steps needed for smooth project implementation.

If you plan to attend or have questions, please contact Theresa Hewlett at 804/864-7501.

Dates and locations are:

9:00 a.m. - Noon, Wednesday, March 1, 2006, at the Pittsylvania/Danville Health District's Auditorium, 326 Taylor Drive, Danville, VA.

9:00 a.m. - Noon, Thursday, March 2, 2006, at the Southwest VA Higher Education Center, Room 240, Abingdon, VA

8:30 a.m. - 11:00 a.m., Friday, March 3, 2006, at the Virginia Military Institute's Preston Library, Turman Room, Lexington, VA

9:00 a.m. - Noon, Monday, March 6, 2006, at the Chesterfield County Health Department's Multi-purpose Room, 9501 Lucy Corr Circle, Chesterfield, VA.

9:00 a.m. - Noon, Tuesday, March 7, 2006, at the Town of Windsor's Municipal Building Counsel Chamber, 8 East Windsor Blvd., Windsor, VA. (Isle of Wight County)

9:00 a.m. - Noon, Wednesday, March 8, 2006, at the County of Culpeper's Board of Supervisors Room (rear entrance to Administration Bldg. and 3-hr. parking across the street), 302 North Main Street, Culpeper, VA

* * * * *

I am pleased to announce several opportunities for drinking water funding. Construction applications may be submitted year round. However, applications received after the due date stated below will be considered for funding in following cycle. As described below, funding is made possible by our Drinking Water State Revolving Fund (DWSRF) Program. We anticipate having at least \$10 million. Also the enclosed attachment describes our Water Supply Assistance Grant Fund Program. Our FY 2007 DWSRF Intended Use Plan will be developed using your input on these issues.

(1) 1452(k) Source Water Protection Initiatives - (Yellow application) Must be postmarked by March 31, 2006.

This provision allows VDH to loan money for activities to protect important drinking water resources. Loan funds are available to: (1) community and non-profit noncommunity waterworks to acquire land/conservation easements and (2) to community waterworks, only, to establish local, voluntary incentive-based protection measures.

(2) Construction Funds - (Cream application) Must be postmarked by March 31, 2006.

Private and public owners of community waterworks and nonprofit noncommunity waterworks are eligible to apply for construction funds. VDH makes selections based on criteria described in the Program Design Manual, such as existing public health problems, noncompliance, affordability, regionalization, the availability of matching funds, etc. Readiness to proceed with construction is a key element. A Preliminary Engineering Report must be submitted if required by VDH. An instruction packet and Construction Project Schedule are included.

(3) Set-Aside Suggestion Forms - (White form) Must be postmarked by March 31, 2006.

Anyone has the opportunity to suggest new or continuing set-aside (nonconstruction) activities. Set-aside funds help VDH assist waterworks owners to prepare for future drinking water challenges and assure the sustainability of safe drinking water.

(4) Planning & Design Grants - (Gray application) Must be postmarked by August 25, 2006.

Private and public owners of community waterworks are eligible to apply for these grant funds. Grants can be up to \$25,000 per project for small, rural, financially stressed, community waterworks serving fewer than 3,300 persons. Eligible projects may include preliminary engineering planning, design of plans and specifications, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, or other similar technical assistance projects. These funds could assist the waterworks owner in future submittals for construction funds.

The VDH's Program Design Manual describes the features of the above opportunities for funding. After receiving the aforementioned public input, VDH will develop a draft Intended Use Plan for public review and comment. When developed in August, the draft Intended Use Plan will describe specific details for use of the funds. A public meeting is planned for October and written comments will be accepted before we submit a final version to the USEPA for approval.

You may request the applications, set-aside suggestion form, Program Design Manual and information from and forward any comments to me by writing, calling, or faxing at the above address. The materials are also accessible on our website www.vdh.virginia.gov/dw.

/s/ Thomas B. Gray, P.E.
January 20, 2006

* * * * *

I am pleased to announce an opportunity for drinking water funding. Funding is made possible by our Water Supply Assistance Grant Fund. This is all grant funding.

The 1999 General Assembly created the Water Supply Assistance Grant (WSAG) Fund in Section 32.1-171.2 of the Code of Virginia. The purpose of the WSAG is to make grant funds available to localities and owners of waterworks to assist in the provision of drinking water.

Funds are available by submitting an application postmarked on or before the dates indicated for the following:

(1) Planning Grants - Application must be postmarked by August 25, 2006.

Of available funding, \$60,000 or 16.67% will be used for planning needs. Your application cannot exceed this amount.

In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support. The applicant submits the current VDH planning application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF funding purposes only, up to fifty (50) extra points are added to the DWSRF rating criteria relative to the Stress Index rank.

Eligible activities may include (but not be limited to): Capacity building activities addressing regionalization or consolidation, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, income surveys, preliminary engineering planning, design and preparation of plans and specifications, or other similar technical assistance projects.

(2) Surface Water Development or Improvement Grants - Application must be postmarked by March 31, 2006.

Of available funding, \$200,000 or 55.55% will be used for community waterworks surface source water development or improvement activities. Your application cannot exceed this amount.

The applicant submits the current VDH construction application to VDH. In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support.

Eligible activities may include: land purchase, options to purchase land, general site development costs, and dam upgrade and construction.

(3) Small Project Construction Grants - Application must be postmarked by March 31, 2006.

Of available funding, \$100,000 or 27.78% will be used for small project construction that is defined as a project whose total project cost does not exceed \$50,000. Eligible activities may include (but not be limited to): upgrade or construction of well or spring sources, waterlines, storage tanks, and treatment.

The applicant submits the current VDH construction application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF purposes only, up to thirty (30) extra points are added to the VDH rating criteria relative to the Stress Index rank. Preference is given to community waterworks. This priority system ensures that all eligible acute or chronic health/ SDWA compliance projects are funded before any other eligible project.

The VDH's WSAGF Program Guidelines describes the features of the above opportunities for funding.

You may request the applications or Program Guidelines from my office by writing, calling, or faxing at the above address. The applications are also accessible on our website www.vdh.virginia.gov/dw.

/s/ Thomas B. Gray, P.E.
January 20, 2006

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 10, 2006

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE-2006-00001

Ex Parte: In the matter concerning whether there is a sufficient degree of competition such that the elimination of default service will not be contrary to the public interest

ORDER ESTABLISHING INVESTIGATION

Section 56-585 E of the Virginia Electric Utility Restructuring Act, Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia ("Restructuring Act"), directs the State Corporation Commission ("Commission") to determine annually, on or before July 1st, after notice and opportunity for hearing, whether there is a sufficient degree of competition such that the elimination of default service for particular customers, particular classes of customers, or particular geographic areas of the Commonwealth will not be contrary to the public interest. This section further directs the Commission to report its findings and recommendations concerning modification or termination of default service to the General Assembly and to the Commission on Electric Utility Restructuring, no later than December 1st, annually.

NOW THE COMMISSION, having considered § 56-585 E of the Restructuring Act, is of the opinion that an investigation should be established to determine if there is a sufficient degree of competition to permit the elimination or modification of default service at this time. We find that this matter should be docketed, that notice of this investigation should be given to the public, that interested persons should have an opportunity to comment or request a hearing on the matter, and that the Commission Staff should file a report presenting its findings and recommendations to the Commission.

Accordingly, IT IS ORDERED THAT:

General Notices/Errata

(1) This matter is docketed and assigned Case No. PUE-2006-00001.

(2) A copy of this Order Establishing Investigation shall be made available for public inspection forthwith at the Commission's Document Control Center, Tyler Building, First Floor, 1300 East Main Street, Richmond, Virginia 23219, Monday through Friday, 8:15 a.m. to 5:00 p.m., or may be downloaded from the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

(3) On or before February 17, 2006, the Commission's Division of Information Resources shall publish the following notice as classified advertising in newspapers of general circulation throughout the Commonwealth of Virginia.

NOTICE TO THE PUBLIC OF
A PROCEEDING PURSUANT TO THE
VIRGINIA ELECTRIC UTILITY RESTRUCTURING ACT
TO DETERMINE IF THERE IS A SUFFICIENT DEGREE OF
COMPETITION SUCH THAT THE ELIMINATION OR
MODIFICATION OF DEFAULT SERVICE WILL NOT BE
CONTRARY TO THE PUBLIC INTEREST
CASE NO. PUE-2006-00001

Section 56-585 E of the Virginia Electric Utility Restructuring Act ("Restructuring Act"), Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia, directs the State Corporation Commission ("Commission") to determine on or before July 1, 2006, whether there is a sufficient degree of competition such that the elimination of default service for particular customers, particular classes of customers, or particular geographic areas of the Commonwealth will not be contrary to the public interest. The Commission must report its findings and recommendations to the General Assembly and to the Commission on Electric Utility Restructuring, no later than December 1, 2006.

The Commission has established an investigation into this matter. A copy of the Commission's Order Establishing Investigation in this proceeding is available for public inspection at the Commission's Document Control Center, Tyler Building, First Floor, 1300 East Main Street, Richmond, Virginia 23219, Monday through Friday, 8:15 a.m. to 5:00 p.m., or may be downloaded from the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

On or before March 24, 2006, any interested person may file an original and fifteen (15) copies of any comments with the Clerk of the Commission at the address set forth below. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website.

On or before March 24, 2006, any interested person may file an original and fifteen (15) copies of any requests for hearing with the Clerk of the Commission at the address set forth below. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If sufficient request for hearing is not received, the Commission may enter an order based upon the papers filed.

Also on or before March 24, 2006, persons expecting to participate as a respondent in any hearing that may be scheduled shall include with their request for hearing an original and fifteen (15) copies of a notice of participation in accordance with 5 VAC 5-20-80 of the Commission Rules of Practice and Procedure.

Interested persons should consult a copy of the Commission's Order Establishing Investigation for additional information about participation in this matter.

All filings in this proceeding shall be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUE-2006-00001.

STATE CORPORATION COMMISSION

(4) On or before March 24, 2006, any interested person may comment on this matter by filing an original and fifteen (15) copies of such comments or requests with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties shall refer in their comments to Case No. PUE-2006-00001. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website referenced in Ordering Paragraph (2) above.

(5) On or before March 24, 2006, any interested person may request a hearing on this matter by filing an original and fifteen (15) copies of such requests with the Clerk of the Commission at the address set forth in Ordering Paragraph (4) above. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If a sufficient request for hearing is not received, the Commission may consider the matter and enter an order based upon the papers filed herein. Interested parties shall refer in their requests to Case No. PUE-2006-00001.

(6) On or before March 24, 2006, persons filing a request for hearing and expecting to participate as a respondent in any hearing that may be scheduled in this matter shall file an original and fifteen (15) copies of a notice of participation in accordance with 5 VAC 5-20-80 of the Commission Rules of Practice and Procedure. Interested parties shall refer in their notices to Case No. PUE-2006-00001. All notices of participation shall be filed with the Clerk of the Commission at the address set forth in Paragraph (4) above.

(7) On or before March 24, 2006, any interested person who wishes to remain on the service list for future filings and orders in this docket, but not file comments or be a party to this proceeding, shall file a statement of such interest.

(8) On or before April 28, 2006, the Staff shall investigate this matter and file a report with the Commission presenting its findings and recommendations, and responding to any comments filed by interested persons in this matter.

(9) This matter is continued for further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219.

VIRGINIA CODE COMMISSION

Notice to State Agencies

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

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

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

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

- NOTICE of INTENDED REGULATORY ACTION-RR01
- NOTICE of COMMENT PERIOD-RR02
- PROPOSED (Transmittal Sheet)-RR03
- FINAL (Transmittal Sheet)-RR04
- EMERGENCY (Transmittal Sheet)-RR05
- NOTICE of MEETING-RR06
- AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS-RR08
- RESPONSE TO PETITION FOR RULEMAKING-RR13
- FAST-TRACK RULEMAKING ACTION-RR14

ERRATA

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-660. Virginia Water Protection General Permit for Impacts Less Than One-Half of an Acre.

Publication: 22:9 VA.R. 1234-1248 January 9, 2006.

Correction to Proposed Regulation:

- Page 1235, 9 VAC 25-660-10, definition of "State program general permit (SPGP)," line 3 should read: "in accordance with 33 USC 1344(e), 33 CFR"
- Page 1238, 9 VAC 25-660-60 A 15, line 2, strike "or" and add "and"
- Page 1240, 9 VAC 25-660-70 E, line 2, strike "replacement" and add "compensation"

Page 1240, 9 VAC 25-660-70 F, 3rd line from end, add "stream" before "compensation"

Title of Regulation: 9 VAC 25-670. Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities.

Publication: 22:9 VA.R. 1248-1268 January 9, 2006.

Correction to Proposed Regulation:

- Page 1249, 9 VAC 25-670-10, definition of "Bank protection," line 5, strike "toes" and add "toe"
- Page 1255, 9 VAC 25-670-70 H, 3rd line from end, after "required" add "stream"
- Page 1257, 9 VAC 25-670-100, Part I A 1, line 6, after "approved" add "and complete"
- Page 1259, 9 VAC 25-670-100, Part II A 5, line 2, strike "any" and add "a"
- Page 1266, 9 VAC 25-670-100 Part III E, lines 2 through 5, strike all references to "any"

Title of Regulation: 9 VAC 25-680. Virginia Water Protection General Permit for Linear Transportation Projects.

Publication: 22:9 VA.R. 1268-1289 January 9, 2006.

Correction to Proposed Regulation:

- Page 1276, 9 VAC 25-680-70 H, 3rd line from end, after "required" add "stream"
- Page 1276, 9 VAC 25-680-80 E, line 5, after "9 VAC 25-210-115" add "F"
- Page 1277, 9 VAC 25-680-100, Part I A 1, line 4, unstrike and italicize "nontidal"
- Page 1285, 9 VAC 25-680-100 Part II E 3, line 2, strike "not" and add "no"; line 3, strike "Part II D" and add "Part II B"

Title of Regulation: 9 VAC 25-690. Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities.

Publication: 22:9 VA.R. 1289-1312 January 9, 2006.

Correction to Proposed Regulation:

- Page 1292, 9 VAC 25-690-30 A 7, line 2, strike "any"
- Page 1295, 9 VAC 25-690-50 A 1, line 2, after "wetland" add "or open water"
- Page 1295, 9 VAC 25-690-50 C, line 6, strike "any"

General Notices/Errata

Page 1304, 9 VAC 25-690-100, Part II A 8, line 3, after "wetland" add "*or stream*"

Page 1304, 9 VAC 25-690-100, Part II A 13, line 2, strike "any" add "a"

Page 1304, 9 VAC 25-690-100, Part II A 18, line 1, before "fails" add "*area*"

Page 1308, 9 VAC 25-690-100, Part II E 3, line 2, strike "not" and add "*no*"

Page 1309, 9 VAC 25-690-100, Part II E 8, line 1, strike "any"

Page 1310, 9 VAC 25-690-100 Part II H, line 5, change "ransferred" to "*transferred*"

Page 1310, 9 VAC 25-690-100 Part II I, end of line 2, strike "if: (i) the"

* * * * *

Title of Regulation: **9 VAC 25-720. Water Quality Management Planning Regulation.**

Publication: 22:7 VA.R. 1019-1022 December 12, 2005.

Correction to Final Regulation:

Page 1019, in 9 VAC 25-720-60 C, line 4, change "local" to "listed"

Page 1021, in 9 VAC 25-720-120 C, line 4, change "local" to "listed"

CALENDAR OF EVENTS

Symbol Key

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

NOTICE

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

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

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **March 22, 2006 - 9 a.m.** -- Open Meeting
Oliver Hill Building, 102 Governor Street, 220 Board Room, 2nd Floor, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia agriculture and consumer services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail roy.seward@vdacs.virginia.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Agricultural Council

March 27, 2006 - 8:30 a.m. -- Open Meeting
March 28, 2006 - 8 a.m. -- Open Meeting
Holiday Inn, 1200 Fifth Street, Charlottesville, Virginia.♿

An annual meeting to hear and act upon agricultural project proposals for financial assistance through the Virginia Agricultural Council. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Donald B. Ayers at least five days before the meeting date so that suitable arrangements can be made.

Contact: Donald Ayers, Executive Director, Virginia Agricultural Council, P.O. Box 1163, Richmond, VA 23218,

telephone (804) 786-0480, FAX (804) 371-0247, (800) 828-1120/TTY ☎, e-mail don.ayers@vdacs.virginia.gov.

Virginia Cattle Industry Board

February 23, 2006 - 3 p.m. -- Open Meeting
The Inn at Virginia Tech, 901 Prices Fork Road, Blacksburg, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting to (i) approve the minutes from the November 2005 meeting, (ii) review the board's financial statement and budget, (iii) give program updates for the state and national level, and (iv) hear an educational program using value-added cuts to increase overall beef carcass value. 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 Bill R. McKinnon at least five days before the meeting date so that suitable arrangements can be made.

Contact: Bill R. McKinnon, Executive Director, Virginia Cattle Industry Board, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632, e-mail bmckinnon@vacattlemen.org.

Virginia Corn Board


February 20, 2006 - 8 a.m. -- Open Meeting
Double Tree Hotel - Richmond Airport, 5501 Eubank Road, Richmond, Virginia.♿

A meeting to (i) hear and approve minutes of the last meeting, (ii) discuss checkoff revenues resulting from sale of the 2005 corn crop, (iii) hear FY 2005-2006 project reports and receive FY 2006-2007 project proposals, and (iv) make funding decisions for the fiscal year beginning July 1, 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 Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Calendar of Events

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 102 Governor St., 3rd Floor, Room 319, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phil.hickman@vdacs.virginia.gov.


Virginia Marine Products Board

† **February 28, 2006 - 6 p.m.** -- Open Meeting
Goodfellow's Restaurant, Route 17, Gloucester, Virginia. 

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

Contact: Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Blvd., Suite B, Newport News, VA, telephone (757) 874-3474, FAX (757) 886-0671, e-mail shirley.estes@vdacs.virginia.gov.


Virginia Soybean Board

March 9, 2006 - 8 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A meeting to (i) hear and approve minutes of the last meeting, (ii) discuss checkoff revenues resulting from sales of the 2005 soybean crop, (iii) hear FY 2005-2006 project reports and receive FY 2006-2007 for project proposals, and (iv) make funding decisions for the fiscal year beginning July 1, 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 Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 102 Governor St., 3rd Floor, Room 319, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phil.hickman@vdacs.virginia.gov.

Virginia Wine Board


† **March 2, 2006 - 11 a.m.** -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. 

A meeting to (i) approve the minutes of the last meeting held on October 14, 2005; (ii) review the financial statement; and (iii) discuss old business arising from the last meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in

order to participate at the meeting should contact David Robishaw at least five days before the meeting date so that suitable arrangements can be made.

Contact: David Robishaw, Secretary, Virginia Wine Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, e-mail david.robishaw@vdacs.virginia.gov.


STATE AIR POLLUTION CONTROL BOARD

† **March 8, 2006 - 7 p.m.** -- Public Hearing
Edwin R. Shields Courthouse Addition, General District Courtroom, Second Floor, Chatham, Virginia. 


A public hearing on an application for an amendment to the Columbia Forest Products' permit for installation of a replacement boiler and wood grinder at the Chatham facility. The public comment period on the draft permit began on January 30, 2006, and ends on March 1, 2006. Public comment will also be accepted at the public hearing.

Contact: Allen Armistead, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail eaarmistead@deq.virginia.gov.


ALCOHOLIC BEVERAGE CONTROL BOARD

February 21, 2006 - 9 a.m. -- Open Meeting
March 6, 2006 - 9 a.m. -- Open Meeting
March 20, 2006 - 9 a.m. -- Open Meeting
April 3, 2006 - 9 a.m. -- Open Meeting
April 17, 2006 - 9 a.m. -- Open Meeting
May 1, 2006 - 9 a.m. -- Open Meeting
† **May 15, 2006 - 9 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 


An executive staff 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 curtis.coleburn@abc.virginia.gov.


ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

March 14, 2006 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting.


Contact: Cecily Slasor, I and R Specialist, Department for the Aging, 1610 Forest Ave., Ste. 100, Richmond, VA 23229, telephone (804) 662-9338, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail cecily.slasor@vda.virginia.gov.

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

March 15, 2006 - 5:30 p.m. -- Open Meeting
University of Virginia, Culbreth Lane, Campbell Hall, Room 158, Charlottesville, Virginia. 

A meeting of the Architects Section to present information regarding architect licensure to the UVA professional practice class.


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.

March 16, 2006 - 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. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

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March 16, 2006 - 9 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

March 16, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects is amending regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations**. The purpose of the proposed action is to amend the entry requirements for landscape architects who possess an LAAB-accredited degree in landscape architecture to require them to obtain three years of acceptable experience before being granted certification. Applicants could still be approved to take, and sit for, the examination prior to obtaining the required three years of experience; however, certification would not be awarded until such time as the three years of acceptable experience is obtained, documented, submitted, reviewed and approved.


Statutory Authority: §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

May 3, 2006 - 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. 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 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

† **May 10, 2006 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Professional Engineers Section to conduct board business. 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 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

† **May 11, 2006 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Landscape Architects Section to conduct board business. 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 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

Calendar of Events

† **May 17, 2006 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting of the Land Surveyors Section to conduct board business. 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 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

† **May 18, 2006 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 


A meeting of the Interior Designers Section to conduct board business. 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 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD


March 3, 2006 - 10 a.m. -- Open Meeting
April 7, 2006 - 10 a.m. -- Open Meeting
May 5, 2006 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

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. 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 BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

March 13, 2006 - 10 a.m. -- Open Meeting
Wytheville Town Offices, Wytheville Municipal Building, 150 East Monroe Street, Conference Room B, Wytheville, Virginia.

† **April 5, 2006 - 10 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, Chesapeake Regional Office, 1103 South Military Highway, Chesapeake, Virginia. 

An informal fact-finding conference.


Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail asbestos@dpor.virginia.gov.


March 30, 2006 - 9 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4, Richmond, Virginia. 

April 14, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Asbestos, Lead, and Home Inspectors is amending regulations entitled **18 VAC 15-30, Virginia Lead-Based Paint Activities**. The purpose of the proposed action is to empower the board to deny license and approval as well as to take disciplinary action against those acting as or being ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business, and to require training providers to submit information electronically and include social security numbers to speed up application processing. The regulations having been reorganized to present the regulatory requirements in a format that is easier to understand.

Statutory Authority: §§ 54.1-201 and 54.1-501 of the Code of Virginia.

Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail asbestos@dpor.virginia.gov.

NOTE: CHANGE IN MEETING TIME
March 30, 2006 - 11 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4, Richmond, Virginia. 

April 14, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Asbestos, Lead, and Home Inspectors is amending regulations entitled **18 VAC 15-20, Virginia Asbestos Licensing Regulations**. The purpose of the proposed action is to empower the board to deny license and approval as well as to take disciplinary action against those acting as or being ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business, and to require training providers to submit information electronically and include social security numbers to speed up application processing. The regulations having been reorganized to present the regulatory requirements in a format that is easier to understand.

Statutory Authority: §§ 54.1-201 and 54.1-501 of the Code of Virginia.

Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.virginia.gov.

† **May 10, 2006 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.virginia.gov.

AUCTIONEERS BOARD

April 13, 2006 - 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. All meetings are subject to cancellation. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Marian H. Brooks, Regulatory Board Administrator, Department of Professional and Occupational Regulation, 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

† **February 23, 2006 - 9:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4W, Richmond,
Virginia.

A meeting of the Legislative/Regulatory Committee to discuss rules and regulations that pertain to the practice of audiology and speech-language pathology.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 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.

† **February 23, 2006 - 10:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4W, Richmond,
Virginia. ♿

A meeting to discuss general business.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 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.

BOARD FOR BARBERS AND COSMETOLOGY

† **February 23, 2006 - 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) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail barbercosmo@dpor.virginia.gov.

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March 7, 2006 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

March 10, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Barbers and Cosmetology intends to adopt regulations entitled **18 VAC 41-60, Body-Piercing Regulations**. The purpose of the proposed action is to promulgate regulations governing the licensure and practice of body piercing as mandated by Chapter 869 of the 2002 Act of Assembly.

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

Calendar of Events

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.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Rehabilitation Council for the Blind

March 11, 2006 - 10 a.m. -- Open Meeting
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Susan D. Payne, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail susan.payne@dbvi.virginia.gov.

BOARD FOR BRANCH PILOTS

May 1, 2006 - 8:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting of the Examination Administrators 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. All meetings are subject to cancellation. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: 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.

May 1, 2006 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, 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. All meetings are subject to cancellation. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

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

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† March 20, 2006 - 10 a.m. -- Open Meeting
Location to be announced.

A regular business meeting.

Contact: David C. Dowling, Policy, Planning, and Budget Director, 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.

† May 9, 2006 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Northern Area Review Committee to review local programs.

Contact: David C. Dowling, Policy, Planning, and Budget Director, 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.

† May 9, 2006 - 2 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Southern Area Review Committee to review local programs.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

STATE CHILD FATALITY REVIEW TEAM

March 10, 2006 - 10 a.m. -- Open Meeting
† May 9, 2006 - 10 a.m. -- Open Meeting
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. ♿

The business portion of the State Child Fatality Review Team meeting, from 10 a.m. to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

Contact: Rae Hunter-Havens, Coordinator, State Child Fatality Review, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail rae.hunter-havens@vdh.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES

March 15, 2006 - 1:30 p.m. -- Open Meeting
The Prizery, 700 Bruce Street, South Boston, Virginia. ♿
(Interpreter for the deaf provided upon request)

† May 17, 2006 - 1:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, 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 begin 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.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

March 16, 2006 - 9 a.m. -- Open Meeting
Southern Virginia Higher Education Center, 820 Bruce Street, South Boston, Virginia. ♿ (Interpreter for the deaf provided upon request)

† May 18, 2006 - 9 a.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Godwin-Hamel Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

Contact: D. Susan Hayden, Director of Public Relations, State Board for Community Colleges, VCCS, James Monroe Bldg, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎.

COMPENSATION BOARD

February 22, 2006 - 11 a.m. -- Open Meeting
Oliver Hill Building, 102 Governor Street, Richmond, Virginia. ♿

† March 29, 2006 - 11 a.m. -- Open Meeting
Oliver Hill Building, 102 Governor Street, Lower Level, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 225-3308, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

† April 7, 2006 - 11 a.m. -- Public Hearing
Augusta County Government Center, Dick Huff Lane, Board of Supervisors Meeting Room, Verona, Virginia. ♿

A FY07 budget hearing for constitutional officers.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 225-3308, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Cave Board

† April 29, 2006 - 1 p.m. -- Open Meeting
Grottoes Town Hall, Grottoes, Virginia.

A regular meeting. Meetings of the board subcommittee will begin at 11 a.m. and the full board meeting will begin at 1 p.m.

Contact: Larry Smith, Natural Area Protection Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205, FAX (804) 371-2674, e-mail larry.smith@dcr.virginia.gov.

Virginia Scenic River Board

† April 25, 2006 - 10 a.m. -- Open Meeting
Location to be announced.

A regular board meeting.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

Virginia Soil and Water Conservation Board

† March 16, 2006 - 9:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia.

† May 18, 2006 - 9:30 a.m. -- Open Meeting
Location to be announced.

A regular board meeting.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

BOARD FOR CONTRACTORS

February 28, 2006 - 9 a.m. -- Open Meeting

March 28, 2006 - 9 a.m. -- Open Meeting

April 25, 2006 - 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 least 10 days prior to this meeting so that suitable arrangements

Calendar of Events

can be made. 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.

February 28, 2006 - 11:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4 West, Richmond, Virginia. ♿

A quarterly meeting of the Board for Contractors Committee meeting. This meeting will start following the Board for Contractors meeting.

Contact: Kevin Hoeft, Regulatory Boards Administrator, 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.

† **March 7, 2006 - 9 a.m.** -- Open Meeting

† **March 14, 2006 - 9 a.m.** -- Open Meeting

† **March 21, 2006 - 9 a.m.** -- Open Meeting

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

A meeting to conduct disciplinary 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.

* * * * *

March 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to amend regulations entitled **18 VAC 50-30, Individual License and Certification Regulations**. The purpose of the proposed action is to establish regulations for the certification of elevator mechanics and to amend the current regulations to reflect statutory changes, respond to changes in the industry and to revise language for clarity and ease of use.

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

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail contractors@dpor.virginia.gov.

BOARD OF CORRECTIONAL EDUCATION

† **February 24, 2006 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY ☎, e-mail patricia.ennis@dce.virginia.gov.

BOARD OF CORRECTIONS

March 14, 2006 - 10 a.m. -- Open Meeting

† **May 16, 2006 - 10 a.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. ♿

A meeting of the Liaison Committee to discuss correctional matters of interest to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

March 14, 2006 - 1 p.m. -- Open Meeting

† **May 16, 2006 - 1 p.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor, Board Room, Richmond, Virginia. ♿

A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

March 15, 2006 - 9:30 a.m. -- Open Meeting

† **May 17, 2006 - 9:30 a.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor, Room 3054, Richmond, Virginia. ♿

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

March 15, 2006 - 10 a.m. -- Open Meeting
† May 17, 2006 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia.

A regular meeting of the full board to review and discuss all matters considered by board committees that require presentation to and action 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 barbara.woodhouse@vadoc.virginia.gov.

BOARD OF DENTISTRY

March 2, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

Formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail cheri.emma-leigh@dhp.virginia.gov.

March 3, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A general business meeting. There will be a public comment period during the first 15 minutes 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) 662-7246, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

March 3, 2006 - 9 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia.

March 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to (i) establish requirements for licensure by credentials for dentists consistent with new provisions in the Dental Practice Act; (ii) extend the voluntary practice license to include dentists and hygienists who held in unrestricted license in Virginia at the time it expired or became inactive and eliminate the supervision requirement for dentists out of practice less than five years; and (iii) clarify certain terms and rules for consistency. The proposed regulation will replace an emergency regulation adopted by the Board of Dentistry in compliance with amendments to Chapter 27 of Title 54.1

and the third enactment clause of HB 2368 and SB 1127 enacted by the 2005 General Assembly.

Statutory Authority: §§ 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 24, 2006, to Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

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

March 17, 2006 - 9 a.m. -- Open Meeting
March 31, 2006 - 9 a.m. -- Open Meeting
April 21, 2006 - 9 a.m. -- Open Meeting
† May 12, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting of the Special Conference Committee to hold informal conferences. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail cheri.emma-leigh@dhp.virginia.gov.

DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


March 16, 2006 - 11 a.m. -- Open Meeting
April 20, 2006 - 11 a.m. -- Open Meeting
† May 18, 2006 - 11 a.m. -- Open Meeting
Department of General Services, 202 North Ninth Street, Room 412, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use the design build or construction management type contracts. Contact the Division of Engineering and Buildings to confirm this meeting. Board Rules and Regulations can be obtained on line at www.dgs.virginia.gov under DGS Forms, Form #DGS-30-904.

Contact: Rhonda M. Bishton, Administrative Assistant, Division of Engineering and Buildings, Department of General Services, 202 N. Ninth St., Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY , e-mail rhonda.bishton@dgs.virginia.gov.

Calendar of Events

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP


† **March 13, 2006 - 10 a.m.** -- Open Meeting
Riverfront Plaza, 901 East Byrd Street, West Tower, 20th
Floor, Richmond, Virginia. 

A meeting of the Board of Directors to focus on issues
pertaining to the Virginia Economic Development
Partnership.

Contact: Kimberly M. Ellett, Senior Executive Assistant,
Virginia Economic Development Partnership, P.O. Box 798,
Richmond, VA 23218, telephone (804) 545-5610, FAX (804)
545-5611, e-mail kellett@yesvirginia.org.


BOARD OF EDUCATION

March 22, 2006 - 9 a.m. -- Open Meeting

April 26, 2006 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Main Lobby
Level, Conference Rooms C and D, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment
will be received. The public is urged to confirm
arrangements prior to each meeting by viewing the
Department of Education's public meeting calendar at
<http://www.pen.k12.va.us/VDOE/meetings.html>. This site
will contain the latest information on the meeting
arrangements and will note any last minute changes in time
or location. Persons who wish to speak or who require the
services of an interpreter for the deaf should contact the
agency at least 72 hours in advance.

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

April 27, 2006 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Main Lobby
Level, Conference Rooms C and D, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

The annual planning session. 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.

Advisory Board on Teacher Education and Licensure


March 20, 2006 - 9 a.m. -- Open Meeting

April 24, 2006 - 9 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

† **February 21, 2006 - 6 p.m.** -- Open Meeting
Morgan Memorial Library, 443 West Washington Street,
Suffolk, Virginia. 

The first public meeting on the development of a bacteria
TMDL for shellfish propagation waters located in Suffolk.
The public notice appears in the Virginia Register of
Regulations on February 20, 2006. The comment period
begins on February 21, 2006, and ends on March 23, 2006.

Contact: Jennifer Howell, Department of Environmental
Quality, 5636 Southern Blvd., Virginia Beach, VA 23462,
telephone (757) 518-2111, FAX (757) 518-2003, e-mail
jshowell@deq.virginia.gov.

February 23, 2006 - 7 p.m. -- Open Meeting
Abraham and William Cooper Memorial Branch Library, 20
Washington Avenue, Colonial Beach, Virginia. 


A public meeting on the development of the fecal coliform
TMDLs for shellfish propagation waters located in
Westmoreland County. The public notice appears in the
Virginia Register of Regulations on February 6, 2006. The
public comment period begins on February 23, 2006, and
ends on March 25, 2006.

Contact: Chris French, Department of Environmental Quality,
4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-
5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

† **February 28, 2006 - 2 p.m.** -- Open Meeting
Northumberland Public Library, 7204 Northumberland
Highway, Heathsville, Virginia. 

A meeting of the advisory committee assisting in the
development of fecal coliform TMDLs for shellfish
propagation waters located in Northumberland County. The
public notice appears in the Virginia Register on February
20, 2006.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

† February 28, 2006 - 7 p.m. -- Open Meeting
Blacksburg Public Library, Community Room, 200 Miller Street, Blacksburg, Virginia. 

A meeting to finalize the implementation planning report for bacteria and benthic TMDLs for impairments of Stroubles Creek in Montgomery County and Blacksburg. The public notice appears in the Virginia Register of Regulations on February 20, 2006. The comment period begins on February 28, 2006, and ends on March 28, 2006.

Contact: Jason Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, e-mail jrhill@deq.virginia.gov.

March 1, 2006 - 7 p.m. -- Public Hearing
Lorton Library, 9520 Richmond Highway, Lorton, Virginia. 


A public hearing on a permit modification to the Rainwater CDD Landfill located in Fairfax County. The modification addresses implementation of a ground water corrective action plan. The public comment period began on January 25, 2006, and ends on March 16, 2006.

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 2, 2006 - 7 p.m. -- Open Meeting
Rockingham County Administration Center, 20 East Gay Street, Board of Supervisors Room, Harrisonburg, Virginia. 


The final public meeting on the development of the implementation plan for the Blacks Run and Cooks Creek TMDLs to address fecal coliform bacteria and aquatic life impairments. The public notice appears in the Virginia Register of Regulations on February 20, 2006. The comment period begins on March 2, 2006, and ends on April 3, 2006.

Contact: Jason Ericson, Department of Conservation and Recreation, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, e-mail jason.ericson@dcr.virginia.gov.

March 2, 2006 - 7 p.m. -- Public Hearing
Snow Library in the Marshall Center, Meeting Room 1, 8800 Courthouse Road, Spotsylvania, Virginia. 


A public hearing to receive comment on a draft permit modification to the Livingston Landfill's permit that would allow the implementation of a groundwater corrective action plan (CAP). The comment period began on January 25, 2006, and ends on March 17, 2006.

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 8, 2006 - 7 p.m. -- Open Meeting
Staunton City Council Chambers, Staunton City Hall, 116 West Beverley Street, Staunton, Virginia. 


The final public meeting on the development of benthic TMDLs on Lewis Creek in Augusta County and the City of Staunton. The public notice appears in the Virginia Register of Regulations on February 20, 2006. The comment period begins on March 8, 2006, and ends on April 7, 2006.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rbrent@deq.virginia.gov.

† March 9, 2006 - 2 p.m. -- Open Meeting
Ashland Town Council Chambers, Ashland Municipal Building, 101 Thompson Street, Ashland, Virginia. 


A meeting of the advisory committee assisting in the development of bacteria TMDLs for stream segments of the Pamunkey Basin located in Hanover, King William, Louisa, New Kent, Orange, and Spotsylvania counties. The public notice appears in the Virginia Register of Regulations on February 20, 2006.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

† March 9, 2006 - 7 p.m. -- Open Meeting
Sontag Elementary School, Sontag Road (Rt. 619), Rocky Mount, Virginia. 


The final public meeting on the development of bacteria TMDLs for stream segments in the Pigg River and Old Womans Creek watersheds in Franklin and Pittsylvania counties. The public notice appears in the Virginia Register of Regulations on February 20, 2006. The comment period begins on March 9, 2006, and ends on April 9, 2006.

Contact: Mary R. Dail, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6715, FAX (540) 562-6860, e-mail mrdail@deq.virginia.gov.

† March 13, 2006 - 7 p.m. -- Open Meeting
Northumberland Public Library, 7204 Northumberland Highway, Heathsville, Virginia. 

The final public meeting on the development of fecal coliform TMDLs for shellfish propagation waters located in Northumberland County. The public notice appears in the Virginia Register on February 20, 2006. The comment period begins on March 13, 2006, and ends on April 12, 2006.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.


† March 14, 2006 - 7 p.m. -- Open Meeting
Staunton River High School, Moneta, Virginia. 

A public meeting on the development of bacteria TMDLs for the Beaverdam Creek watershed located in Bedford County. The public notice appears in the Virginia Register of

Calendar of Events


Regulations on February 20, 2006. The comment period begins on March 14, 2006, and ends on April 14, 2006.

Contact: Mary R. Dail, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6715, FAX (540) 562-6860, e-mail mrddail@deq.virginia.gov.

† **March 15, 2006 - 7 p.m.** -- Public Hearing
Pamplin Administration Building, Board Meeting Room, 14016 Boydton Plank Road, Dinwiddie, Virginia. 


A public hearing on a modification to the Dinwiddie County Landfill permit that would allow the implementation of a groundwater presumptive remedy detailing the methods to be used to remediate groundwater contamination. The comment period began on February 1, 2006, and ends on March 30, 2006.

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 16, 2006 - 7 p.m.** -- Open Meeting
Poquoson City Council Chambers, 500 City Hall Avenue, Poquoson, Virginia. 


The first public meeting on the development of fecal coliform bacteria TMDLs for shellfish propagation waters located in the City of Poquoson and York County. The public notice appears in the Virginia Register of Regulations on February 20, 2006. The comment period begins on March 16, 2006, and ends on April 17, 2006.

Contact: Chester Bigelow, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, e-mail cbbigelow@deq.virginia.gov.

March 21, 2006 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the Ground Water Protection Steering Committee. The meeting will begin with a presentation by Scott Kudlas, DEQ Office of Water Supply Planning. Agency updates will follow the presentation; the meeting will adjourn by 11 a.m.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, e-mail mamassie@deq.virginia.gov.


† **March 23, 2006 - 7 p.m.** -- Open Meeting
Sandy Bottom Nature Center, 1255 Big Bethel Road, Conference Room, Hampton, Virginia. 

The final public meeting on the development of fecal coliform bacteria TMDLs for shellfish propagation waters located in the cities of Hampton and Poquoson and York County. The public notice appears in the Virginia Register of Regulations on February 20, 2006. The comment period begins on March 23, 2006, and ends on April 21, 2006.

Contact: Chester Bigelow, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

(804) 698-4554, FAX (804) 698-4116, e-mail cbbigelow@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD


† **February 24, 2006 - 9 a.m.** -- Open Meeting
Virginia Beach Convention Center, 1000 19th Street, Tower Board Room, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the following committees:

9 a.m. - Committee on Fire Education and Training
11 a.m. - Committee on Fire Prevention and Control
1:30 p.m. - Committee on Administration, Policy and Finance

The VFSB Members will be attending multiple functions relating to the VFCA Mid-Atlantic Expo and Symposium; no public business will be discussed at that time. VFSB members will attend a reception Thursday evening; no public business we be discussed.


Contact: Nausheen Khan, VFSB Clerk and Research Assistant, Department of Fire Programs, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, e-mail nausheen.khan@vdfp.virginia.gov.

† **February 25, 2006 - 10:30 a.m.** -- Open Meeting
Virginia Beach Convention Center, 1000 19th Street, Tower Board Room, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

The VFSB members will be attending multiple functions relating to the VFCA Mid-Atlantic Expo and Symposium. No public business will be discussed.

Contact: Nausheen Khan, VFSB Clerk and Research Assistant, Department of Fire Programs, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, e-mail nausheen.khan@vdfp.virginia.gov.


BOARD OF FORESTRY

April 18, 2006 - 1 p.m. -- Open Meeting
Virginia Military Institute, Lexington, Virginia.  (Interpreter for the deaf provided upon request)

A meeting at the Environment Virginia 2006 conference.

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 FOR GEOLOGY

April 5, 2006 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular meeting.

Contact: David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone

(804) 367-8507, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail geology@dpor.virginia.gov.

STATE BOARD OF HEALTH

† **April 21, 2006** - 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 5-590, Waterworks Regulations**. The purpose of the proposed action is to add a requirement for each community waterworks to develop and maintain an emergency management plan for extended power outages.

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

Contact: Chris Adkins, Geologist Supervisor, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7495, FAX (804) 864-7521 or e-mail chris.adkins@vdh.virginia.gov.

DEPARTMENT OF HEALTH

February 24, 2006 - 10 a.m. -- Open Meeting

April 7, 2006 - 10 a.m. -- Open Meeting

Department of Health, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Advisory Committee to make recommendations to the commissioner regarding sewage handling and disposal policies, procedures and programs of the department.

Contact: Donald Alexander, Division Director, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7475, e-mail donald.alexander@vdh.virginia.gov.

DEPARTMENT OF HEALTH PROFESSIONS

March 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health Professions intends to amend regulations entitled **18 VAC 76-20, Regulations Governing the Prescription Monitoring Program**. The purpose of the proposed action is to conform the rules of the Prescription Monitoring Program for reporting and disclosure to the changes made during the 2005 Session of the General Assembly. Regulations will (i) eliminate provisions that may stand as a barrier to the adoption of electronic requests and disclosures, (ii) provide criteria for requests from prescribers who are not licensed in Virginia and (iii) establish requirements for notification by a dispenser to his patients about requests for disclosure of prescription information in the program.

Statutory Authority: §§ 54.1-2505 and 54.1-2520 of the Code of Virginia.

Public comments may be submitted until March 24, 2006, to Ralph Orr, Director, Prescription Monitoring Program, 6603 West Broad Street, Richmond, VA 23230-1717.

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

March 30, 2006 - 11 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A working meeting of the Advisory Committee of the Prescription Monitoring Program for the purpose of reviewing data collected for the Program Evaluation Workplan and a progress report on the enhancement and expansion of the program. A review of Practitioner Notification Reports in other states will be given. The committee will discuss the development of criteria to provide these reports and the resource information that will be provided with them. Public comments will be received during this meeting.

Contact: Ralph Orr, PMP, Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9133, FAX (804) 662-9240, e-mail ralph.orr@dhp.virginia.gov.

BOARD FOR HEARING AID SPECIALISTS

March 15, 2006 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia ♿

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

Contact: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.virginia.gov.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

February 23, 2006 - 2 p.m. -- CANCELED

James Monroe Building, 101 North 14th Street, Richmond, Virginia.

A legislative briefing for the council has been canceled.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N 14th St., Richmond,

Calendar of Events

VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail leeanrnung@schev.edu.

March 13, 2006 - 3 p.m. -- Open Meeting
Northern Virginia Community College, Annandale Campus, Annandale, Virginia.

A briefing session about community college issues.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail leeanrnung@schev.edu.

March 14, 2006 - 11 a.m. -- Open Meeting
Northern Virginia Community College, Medical Campus, Springfield, Virginia.

Committee meetings begin at 8:30 a.m. Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail leeanrnung@schev.edu.

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

February 27, 2006 - Public comments may be submitted until this date.


Notice is hereby given that the Department of Human Resource Management intends to amend regulations entitled **1 VAC 55-20, Commonwealth of Virginia Health Benefits Program**. The purpose of the proposed action is to bring the state regulations in line with the Working Families Tax Relief Act (WFTRA). The current definition of a dependent is based on IRS regulations that allowed an employee to cover certain dependents without incurring imputed income based on the state's contribution to the plan. WFTRA went into effect December 2004 and redefined who is considered a qualifying dependent for tax purposes under IRS § 152. WFTRA removes the requirement that a qualifying child be claimed by an employee as a dependent on his federal income tax return and sets up dependency criteria based on relationship, residency, age and self-support.

Statutory Authority: § 2.2-2818 of the Code of Virginia.

Contact: Charles Reed, Associate Director, Department of Human Resource Management, 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-0231 or e-mail charles.reed@dhrm.virginia.gov.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY Wireless E-911 Services Board


NOTE: CHANGE IN MEETING DATE

April 5, 2006 - 10 a.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia. 

A regular board meeting.

Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 411 E. Franklin St., 5th Floor, Suite 500, Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 371-2277, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION

March 15, 2006 - 2 p.m. -- Open Meeting
Richmond area.  (Interpreter for the deaf provided upon request)

A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee. This meeting is rescheduled from March 1, 2006. Please contact the Jamestown 2007 Office with questions.

Contact: Judy Leonard, Administrative Office Manager, Jamestown-Yorktown Foundation, 410 West Francis St., Williamsburg, VA 23185, telephone (757) 253-4253, FAX (757) 253-4950, e-mail judith.leonard@jyf.virginia.gov.

STATE BOARD OF JUVENILE JUSTICE

† **February 22, 2006 - 9 a.m.** -- Open Meeting
Department of Juvenile Justice, 700 Centre, 700 East Franklin Street, 4th Floor, Richmond, Virginia.

The Secure Services Committee and Nonsecure Services Committee meet to receive certification audit reports of several residential and nonresidential programs.

Contact: Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail don.carignan@djj.virginia.gov.

† **February 22, 2006 - 10 a.m.** -- Open Meeting
Department of Juvenile Justice, 700 Centre, 700 East Franklin Street, 4th Floor, Richmond, Virginia.

A meeting of the full board to take action on the certification reports and conduct such business as comes before the board.

Contact: Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail don.carignan@djj.virginia.gov.


April 12, 2006 - 9 a.m. -- Open Meeting
Shenandoah Valley Juvenile Center, 300 Technology Drive, Staunton, Virginia.

Meeting details will be provided closer to the meeting date.

Contact: Donald Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail don.carignan@djj.virginia.gov.

DEPARTMENT OF LABOR AND INDUSTRY


Virginia Apprenticeship Council

March 16, 2006 - 10 a.m. -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue, Highland Springs, Virginia. 

A regular business meeting.

Contact: Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

LIBRARY BOARD


March 13, 2006 - 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.

COMMISSION ON LOCAL GOVERNMENT

March 13, 2006 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Board Room, Richmond, Virginia. 

A regular meeting to consider such matters as may be presented.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail ted.mccormack@dhcd.virginia.gov.

BOARD OF LONG-TERM CARE ADMINISTRATORS

February 24, 2006 - 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 Long-Term Care Administrators intends to amend regulations entitled **18 VAC 95-20, Regulations Governing the Practice of Nursing Home Administrators**. The purpose of the proposed action is to amend educational requirements for initial licensure that have been problematic or confusing for some applicants and to clarify the existing regulations.

Statutory Authority: § 54.1-2400 and Chapter 31 (§ 54.1-3100 et seq.) of the Code of Virginia.

Public comments may be submitted until February 24, 2006, to Sandra K. Reen, Executive Director, Board of Long-Term Care Administrators, 6603 West Broad Street, Richmond, VA 23230.


Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

April 11, 2006 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A general business meeting. A 15-minute public comment period is scheduled at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Long-Term Care Administrators, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943 or e-mail sandra.reen@dhp.virginia.gov.


LONGWOOD UNIVERSITY

February 20, 2006 - 9:30 a.m. -- Open Meeting
Richmond Retail Merchant's Association, 5101 Monument Avenue, Chesterfield Room, Richmond, Virginia. 

A meeting to conduct routine business of the Board of Visitors' Executive Committee.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

VIRGINIA MANUFACTURED HOUSING BOARD

† **March 16, 2006 - 10 a.m.** -- Public Hearing
Department of Housing and Community Development, Jackson Center, 501 North Second Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

NOTE: CHANGE IN COMMENT DEADLINE

March 28, 2006 - 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 Manufactured Housing Board intends to amend regulations entitled **13 VAC 6-20,**

Calendar of Events

Manufactured Housing Licensing and Transaction Recovery Fund Regulations. The purpose of the proposed action is to comply with statutory language and to correct references within the regulation.


Statutory Authority: § 36-85.18 of the Code of Virginia.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 North 2nd Street, Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail steve.calhoun@dhcd.virginia.gov.


MARINE RESOURCES COMMISSION

February 28, 2006 - 9:30 a.m. -- Open Meeting

March 28, 2006 - 9:30 a.m. -- Open Meeting


Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia.  (Interpreter for the deaf provided upon request)

A monthly commission meeting.


Contact: Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail jane.mccroskey@mrc.virginia.gov.

BOARD OF MEDICAL ASSISTANCE SERVICES

April 11, 2006 - 10 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference 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

February 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled:

12 VAC 30-70, Methods and Standards for Establishing Payments Rates; Inpatient Hospital Services.

12 VAC 30-80, Methods and Standards for Establishing Payments Rates; Other Types of Care.

12 VAC 30-90, Methods and Standards for Establishing Payments Rates; Long-Term Care.

The purpose of the proposed action is to sunset intergovernmental financial transfers that are not being phased out by the federal government.

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

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.

February 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled **12 VAC 30-120, Waivered Services** and **12 VAC 30-141, Family Access to Medical Insurance Security Plan (FAMIS)**. The purpose of the proposed action is to exclude participants in the Virginia Birth-Related Neurological Injury Compensation Program from Medicaid and FAMIS managed care.

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

Contact: Daniel Plain, Managed Care Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958, FAX (804) 786-1680 or e-mail daniel.plain@dmas.virginia.gov.

February 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled **12 VAC 30-60, Standards Established and Methods Used to Assure High Quality Care**, and **12 VAC 30-90, Methods and Standards for Establishing Payments Rates; Long-Term Care**. The purpose of the proposed action is to provide additional reimbursement (\$10 per day) to nursing facilities (NF) for residents who require specialized treatment beds due to their having at least one treatable Stage IV pressure ulcer.

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

Contact: Teja Stokes, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0527, FAX (804) 786-1680 or e-mail teja.stokes@dmas.virginia.gov.

March 24, 2006 - 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 **Smiles for Children**:

12 VAC 30-50, Amount, Duration and Scope of Medical and Remedial Care Services.

12 VAC 30-120, Waivered Services.

12 VAC 30-141, Family Access to Medical Insurance Security Plan (FAMIS).

The purpose of the proposed action is to reshape the prior authorization regime for dental services and to enhance access to dental services for pediatric Medicaid recipients and for participants in the Family Access to Medical Insurance Security (FAMIS) program.

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

Contact: Sandra Brown, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1567, FAX (804) 786-1680 or e-mail sandra.brown@dmas.virginia.gov.

March 30, 2006 - 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 for the annual review of PDL Phase II and review of new drugs in PDL Phase I and potential new PDL drug classes.

Contact: Katina Goodwyn, Pharmacy Contract Manager, Department of Medical Assistance Services, 600 East 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.

BOARD OF MEDICINE

February 23, 2006 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A meeting to consider regulatory and disciplinary matters as may be presented. 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.

† **February 23, 2006 - 1 p.m.** -- Open Meeting
† **February 24, 2006 - 8:30 a.m.** -- Open Meeting
† **February 25, 2006 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

† **February 23, 2006 - 2 p.m.** -- Open Meeting
1917 Old Historical Courthouse, 10011 Ironbridge Road, Chesterfield, Virginia. ♿

A panel of board will convene a formal hearing to inquire into allegations that a certain practitioner may have violated certain laws and regulations governing the practice of medicine. The board will meet in open and closed sessions pursuant to § 2.2-3711 A 7, A 15, and/or A 28 of the Code of Virginia. Public comment will not be received.

Contact: Renee Dixon, Discipline Case Manager, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230,

telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail renee.dixon@dhp.virginia.gov.

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February 23, 2006 - 8:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

March 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic**. The purpose of the proposed action is to amend the educational requirements for graduates and former students of institutions not approved by an accrediting agency recognized by the board to specify that at least one of the required two years of postgraduate training or study in the United States or Canada must be as an intern or resident in a hospital or health care facility.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 24, 2006, to 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.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

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February 23, 2006 - 8:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

March 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic**. The purpose of the proposed action is to clarify that performance of a major conductive block for diagnostic or therapeutic purposes does not require the services of an anesthesiologist or a certified registered nurse anesthetist, but could be administered by a physician qualified by experience and training in such a procedure.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 24, 2006, to William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA

Calendar of Events

23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

† **March 8, 2006 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

† **March 15, 2006 - 9 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ♿

March 21, 2006 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ♿

† **March 30, 2006 - 9:15 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia. ♿

A special conference committee will convene informal conferences to inquire into allegations that certain practitioners of medicine or other healing arts may have violated certain laws and regulations governing the practice of medicine. Further, the committee may review cases with board staff for case disposition, including consideration of consent orders for settlement. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Renee S. Dixon, Discipline Case Manager, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail renee.dixon@dhp.virginia.gov.

April 7, 2006 - 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.

† **May 19, 2006 - 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.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

February 22, 2006 - 10 a.m. -- Open Meeting

April 19, 2006 - 10 a.m. -- Open Meeting
Henrico Community Service Board, 10299 Woodman Road, Conference Room C, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Virginia Mental Health Planning Council to review the MHBG plan, review the MHBG implementation report, develop a plan for 2006 issues, and monitor and evaluate mental health programs.

Contact: Will Ferriss, LCSW, Director, Planning and Evaluation, Office of Mental Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank St., Richmond, VA 23218, telephone (804) 371-0363, FAX (804) 371-0091, e-mail will.ferriss@co.dmhmrsas.virginia.gov.

DEPARTMENT OF MINES, MINERALS AND ENERGY

February 23, 2006 - 10 a.m. -- Open Meeting

Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, U.S. Route 23 South, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Governor's Mined Land Reclamation Advisory Committee to review and discuss recent Interstate Mining Compact Commission (IMCC) issues with the coal industry. Public comments will not be received at this meeting. Special accommodations for the disabled will be made available at the public meeting on request. Anyone needing special accommodations should contact the Division of Mined Land Reclamation at least seven days prior to the meeting date.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY ☎, e-mail les.vincent@dmme.virginia.gov.

Virginia Gas and Oil Board

† **February 21, 2006 - 9 a.m.** -- Open Meeting

Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general meeting of the board. In addition to general board business, the following will also be discussed: petitions for pooling, re-pooling, well location exceptions, and disbursement of funds from escrow. Special accommodations for the disabled will be made available at the hearing on request.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, Division of Gas and Oil, 230 Charwood Ave., Abingdon, VA 24210, telephone (276) 676-5426, FAX

(804) 692-3237, (800) 828-1120/TTY ☎, e-mail bob.wilson@dmme.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

March 7, 2006 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center Dining Room, Richmond, Virginia. ♿

April 4, 2006 - 8 a.m. -- Open Meeting
May 2, 2006 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, CEO 2nd Floor Meeting Room, Richmond, Virginia. ♿

An Executive Committee work session for staff to update the 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, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

† **March 7, 2006 - 10 a.m.** -- Open Meeting

† **March 8, 2006 - 9 a.m.** -- Open Meeting
307 Stockton Lane, Richmond, Virginia.

A meeting of the Search Committee for staff to update the committee. A closed session will be requested. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, toll-free (800) 943-8632, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

March 13, 2006 - 2 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center 2nd Floor Meeting Room, Richmond, Virginia ♿

A meeting of the Nominating and Governance Committee for staff to update the committee. A closed session will be requested. Public comment will not be received.

Contact: Suzanne Broyles, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

February 23, 2006 - 9 a.m. -- Open Meeting
February 27, 2006 - 9 a.m. -- Open Meeting
February 28, 2006 - 9 a.m. -- Open Meeting
March 2, 2006 - 9 a.m. -- Open Meeting
April 3, 2006 - 9 a.m. -- Open Meeting
April 12, 2006 - 9 a.m. -- Open Meeting
April 13, 2006 - 9 a.m. -- Open Meeting
April 18, 2006 - 9 a.m. -- Open Meeting
April 24, 2006 - 9 a.m. -- Open Meeting
April 25, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A Special Conference Committee comprised of two or three 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 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.

February 24, 2006 - 10 a.m. -- Open Meeting
March 31, 2006 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Medication Aide Curriculum Committee to discuss curriculum development for the medication aide program.

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.

March 20, 2006 - 9 a.m. -- Open Meeting
March 22, 2006 - 9 a.m. -- Open Meeting
March 23, 2006 - 9 a.m. -- Open Meeting
† **May 15, 2006 - 9 a.m.** -- Open Meeting
† **May 17, 2006 - 9 a.m.** -- Open Meeting
† **May 18, 2006 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.virginia.gov.

March 21, 2006 - 9 a.m. -- Open Meeting
† **May 16, 2006 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A meeting to conduct general business including receipt of committee reports, and 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.

Calendar of Events


JOINT BOARDS OF NURSING AND MEDICINE

February 22, 2006 - 9 a.m. -- Open Meeting

April 12, 2006 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A regular meeting.

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.

OLD DOMINION UNIVERSITY

March 20, 2006 - Noon -- Open Meeting


† May 15, 2006 - Noon -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. 

A regular meeting of the Executive Committee of the Board of Visitors to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

April 7, 2006 - 1 p.m. -- Open Meeting


Webb University Center, Old Dominion University, Norfolk, Virginia. 

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received by the Board.


Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS

April 7, 2006 - 9:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or 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 Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail opticians@dpor.virginia.gov.

VIRGINIA OUTDOORS FOUNDATION

April 6, 2006 - 10 a.m. -- Open Meeting

April 7, 2006 - 9 a.m. -- Open Meeting


Eastern Shore, Virginia (location to be announced).

A meeting to discuss policy and easement. Public comment will be received.

Contact: Trisha Cleary, Administrative Assistant, Department of Conservation and Recreation, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, e-mail tcleary@vofonline.org.

BOARD OF PHARMACY


† February 28, 2006 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 


A Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

March 8, 2006 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Fifth Floor, Conference Room 2, Richmond, Virginia. 

A meeting to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scotti.russell@dhp.virginia.gov.

BOARD OF PHYSICAL THERAPY

March 24, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Physical Therapy intends to amend regulations entitled **18 VAC 112-20, Regulations Governing the Practice of Physical Therapy**. The purpose of the proposed action is to establish criteria for acceptance of organizations other than the Foreign Credentialing Commission on Physical Therapy (FCCPT) for credentialing applicants for physical therapy licensure who are graduates of schools that are not approved or accredited and to allow an applicant for licensure by endorsement to substitute evidence of active, clinical practice with an unrestricted license in another U.S. jurisdiction for the past five years in lieu of documentation of

having met the educational and examination requirements of these regulations.

Statutory Authority: § 54.1-2400 and Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 24, 2006, to Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.virginia.gov.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

April 8, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to amend regulations entitled **18 VAC 120-40, Virginia Professional Boxing and Wrestling Regulations**. The purpose of the proposed action is to create a limited boxing and wrestling license.

Statutory Authority: § 54.1-831 of the Code of Virginia.

Contact: Karen O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail karen.oneal@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

February 21, 2006 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 🗺

Formal hearing held pursuant to § 2.2-4020 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

April 11, 2006 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 🗺

A business meeting to include reports from standing committees and any regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor,

Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

March 23, 2006 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. 🗺

A quarterly meeting.

Contact: Janet Dingle Brown, Esq., Public Guardianship Coordinator and Legal Services Developer, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail janet.brown@vda.virginia.gov.

REAL ESTATE APPRAISER BOARD

February 21, 2006 - 10 a.m. -- Open Meeting
May 2, 2006 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 🗺

A meeting to discuss board business.

Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reappraisers@dpor.virginia.gov.

REAL ESTATE BOARD

March 23, 2006 - 9 a.m. -- Open Meeting
† May 11, 2006 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 🗺

A meeting to discuss board business.

Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reappraisers@dpor.virginia.gov.

DEPARTMENT OF REHABILITATIVE SERVICES

State Rehabilitation Council

† March 13, 2006 - 11:30 a.m. -- Open Meeting
DRS Field Office, 3248 Academy Avenue, Suite 22-26, Portsmouth, Virginia. 🗺 (Interpreter for the deaf provided upon request)

A quarterly meeting to advise the Department of Rehabilitative Services on matters related to vocational rehabilitation services for vocational rehabilitation citizens of the Commonwealth.

Calendar of Events

Contact: Barbara Tyson, SRC Staff Support, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7644, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, e-mail barbara.tyson@drs.virginia.gov.

Commonwealth Neurotrauma Initiative Trust Fund Advisory Board

† **March 17, 2006 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Room 101, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Kristie Chamberlain, Program Administrator, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 552-5019/TTY ☎, e-mail kristie.chamberlain@drs.virginia.gov.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

March 21, 2006 - 1 p.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
Virginia Economic Development Partnership, 901 East Byrd Street, 20th Floor, Presentation Room, Richmond, Virginia.

A quarterly meeting.

Contact: Nancy Vorona, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, e-mail nvorona@cit.org.

† **May 16, 2006 - 11 a.m.** -- Open Meeting
Washington, D.C. area

A tentative quarterly meeting and Capitol Hill Day Luncheon. Exact time and location to be determined.

Contact: Nancy Vorona, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, e-mail nvorona@cit.org.

SAFETY AND HEALTH CODES BOARD

February 25, 2006 - 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 Safety and Health Codes Board intends to adopt regulations entitled **16 VAC 25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors**. The purpose of the proposed action is to set minimum aggregate limits for professional liability or errors of omission coverage or other methods of insuring financial responsibility for boiler and pressure vessel contract fee inspectors operating in the Commonwealth.

Statutory Authority: § 40.1-51.9:2 of the Code of Virginia.

Contact: Fred P. Barton, Director, Boiler Safety Compliance, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 371-2631, FAX (804) 371-6524 or e-mail fred.barton@doli.virginia.gov.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

February 22, 2006 - 10 a.m. -- Open Meeting
Henrico County Health Department, 8600 Dixon Power Drive, Richmond, Virginia ♿

A meeting to hear appeals of health department denials of septic tank permits or indemnification fund requests.

Contact: Susan C. Sherertz, Secretary to the Board, Sewage Handling and Disposal Appeal Review Board, 109 Governor St., 5th Floor, Richmond, Virginia 23219, telephone (804) 864-7464, FAX (804) 864-7475, e-mail susan.sherertz@vdh.virginia.gov.

BOARD OF SOCIAL WORK

† **March 3, 2006 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia ♿

A meeting of the Regulatory Committee to review current regulations regarding supervision necessary for licensure.

Contact: Benjamin Foster, Deputy Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail benjamin.foster@dhp.virginia.gov.

† **April 7, 2006 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A regularly business meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

April 27, 2006 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be

made. The board fully complies with the Americans with Disabilities Act.

Contact: 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.virginia.gov.

TREASURY BOARD

† **March 15, 2006 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ♿

A regular meeting.

Contact: J. Braxton Powell, Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail braxton.powell@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Board of Veterans Services

April 4, 2006 - 2 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting.

Contact: Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, e-mail rhonda.earman@dvs.virginia.gov.

Joint Leadership Council of Veterans Service Organizations

March 15, 2006 - 11 a.m. -- Open Meeting
Richmond area (location to be determined). ♿

A regular meeting.

Contact: Steve 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.

VIRGINIA WASTE MANAGEMENT BOARD

February 22, 2006 - 1 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting of the advisory committee assisting in the development of amendments to the regulations for the development of solid waste management plans.

Contact: Allen Brockman, Virginia Waste Management Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4468, FAX (804) 698-4327, e-mail arbrockman@deq.virginia.gov.

February 24, 2006 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting of the advisory committee established to assist in the development of proposed language for amendment 6 to the solid waste management regulations.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, e-mail rgwickline@deq.virginia.gov.

STATE WATER CONTROL BOARD

† **February 27, 2006 - 9:30 a.m.** -- Open Meeting

† **March 30, 2006 - 9:30 a.m.** -- Open Meeting

† **April 27, 2006 - 9:30 a.m.** -- Open Meeting
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of the advisory committee established to assist in the development of regulations concerning wastewater reclamation and reuse.

Contact: Valerie Rourke, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4158, e-mail varourke@deq.virginia.gov.

March 10, 2006 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less Than One-Half Acre**. The purpose of the proposed action is to review and renew the general permit that is scheduled to expire in October 2006.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Contact: Catherine Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347, e-mail cmharold@deq.virginia.gov.

March 10, 2006 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-670, Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities**. The purpose of the proposed action is to review and reissue the VWP General Permit that expires in October 2006.

Calendar of Events

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Contact: Catherine Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347, e-mail cmharold@deq.virginia.gov.

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March 10, 2006 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects**. The purpose of the proposed action is to review and reissue the VWP General Permit that expires in October 2006.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Contact: Catherine Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347, e-mail cmharold@deq.virginia.gov.

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March 10, 2006 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-690, Virginia Water Protection General Permit for Impacts from Development Activities**. The purpose of the proposed action is to review and renew the VWP General Permit that is scheduled to expire in October 2006.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Contact: Catherine Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347, e-mail cmharold@deq.virginia.gov.

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March 21, 2006 - 2 p.m. -- Public Hearing
Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, Virginia.

April 5, 2006 - 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 purpose of the proposed action is to designate two tributaries to the Pedlar River, three tributaries to the North Fork of the Buffalo River and the North Fork of the Buffalo River as Exceptional State Waters.

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

Contact: David C. Whitehurst, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4121, FAX (804) 698-4116 or e-mail dcwhitehurst@deq.virginia.gov.

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March 23, 2006 - 10 a.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

April 7, 2006 - 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 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 and revised use designations for certain categories of lakes and reservoirs.

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

Contact: Jean W. Gregory, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4116 or e-mail jwgregory@deq.virginia.gov.

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March 27, 2006 - 5:30 p.m. -- Public Hearing
Dabney S. Lancaster Community College, Moomaw Student Center, 1000 Dabney Drive, Clifton Forge, Virginia.

April 11, 2006 - 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 purpose of the proposed action is to designate portions of the tributaries of the Simpson Creek as Exceptional State Waters.

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

Contact: Jean W. Gregory, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4116 or e-mail jwgregory@deq.virginia.gov.

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† **March 27, 2006 - 4 p.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

† **March 28, 2006 - 2 p.m.** -- Public Hearing
Department of Environmental Quality, South Central Regional Office, 7705 Timberlake Road, Lynchburg, Virginia.

† **April 4, 2006 - 2 p.m.** -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.


April 21, 2006 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-210, Virginia Water Protection Permit Regulation**. The purpose of the proposed action is to amend and revise the Virginia Water Protection Permit (VWPP) Regulation and consider whether the following changes should be made: (i) to incorporate changes to the Code of Virginia relating to the emergency permitting of water withdrawal projects; (ii) to incorporate the U.S. Supreme Court's ruling in Virginia vs. Maryland; (iii) to include changes already made to the general permit regulations that corrected administrative procedures, clarified application and permitting requirements, and allowed for a more efficient application review process; (iv) to implement a formal pre-application scoping process for water supply projects; (v) to clarify the requirement for cumulative impact assessment for water supply projects; (vi) to clarify requirements for alternatives analysis for water supply projects; (vii) to investigate ways to simplify, clarify and improve coordination of state agency reviews and comments for water supply projects; (viii) to clarify who does and does not need a permit for a water withdrawal by more clearly defining certain terms in light of the statutory "grandfathering" of certain withdrawals; and (ix) to clarify the process and criteria for establishing minimum instream flow requirements and evaluation of responses during drought conditions. .


Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Contact: Scott Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4456, FAX (804) 698-4347, e-mail swkudlas@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


March 8, 2006 - 8:30 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. All meetings are subject to cancellation. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.virginia.gov.

INDEPENDENT

STATE LOTTERY BOARD


March 15, 2006 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, 13th Floor,
Richmond, Virginia. 

A regular meeting. 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

Board for Protection and Advocacy

April 25, 2006 - 9 a.m. -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia
 (Interpreter for the deaf provided upon request)


A meeting of the governing board. Public comment is welcomed by the board and will be received beginning at 9 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or e-mail at lisa.shehi@vopa.virginia.gov no later than April 11, 2006. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than April 11, 2006.

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

Disabilities Advisory Council

April 12, 2006 - 10 a.m. -- Open Meeting
Location to be determined  (Interpreter for the deaf provided upon request)

A regular meeting.

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 lisa.shehi@vopa.virginia.gov.

PAIMI Advisory Council

† May 18, 2006 - 10 a.m. -- Open Meeting
Location to be determined  (Interpreter for the deaf provided upon request)

Calendar of Events

Public comment is welcome and will be received at the beginning of the meeting. For those needing interpreter services or other accommodations, please contact Ms. Lisa Shehi before May 4, 2006.

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 lisa.shehi@vopa.virginia.gov.

VIRGINIA RETIREMENT SYSTEM

† **April 6, 2006 - 1 p.m.** -- Open Meeting
Virginia Retirement System Investment Department, 1111 East Main Street, 3rd Floor, Richmond, Virginia. ♿

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

Contact: Harriet Covey, Administrative 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 hcovey@varetire.org.

LEGISLATIVE

Legislative meetings held during the Session of the General Assembly are exempted from publication in the *Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

CHRONOLOGICAL LIST

OPEN MEETINGS

February 20

Agriculture and Consumer Services, Department of
- Virginia Corn Board
Longwood University

February 21

Alcoholic Beverage Control Board
† Environmental Quality, Department of
† Mines, Minerals and Energy, Department of
- Virginia Gas and Oil Board
Psychology, Board of
Real Estate Appraiser Board

February 22

Compensation Board
† Juvenile Justice, State Board of
Mental Health, Mental Retardation and Substance Services,
Department of
Nursing and Medicine, Joint Boards of
Sewage Handling and Disposal Appeal Review Board
Waste Management Board, Virginia

February 23

Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
† Audiology and Speech-Language Pathology, Board of
† Barbers and Cosmetology, Board for
Environmental Quality, Department of

† Medicine, Board of
Mines, Minerals and Energy, Department of
- Governor's Mined Land Reclamation Advisory
Committee

Nursing, Board of

February 24

† Correctional Education, Board of
† Fire Services Board, Virginia
Health, Department of
- Sewage Handling and Disposal Advisory Committee
† Medicine, Board of
Nursing, Board of
Waste Management Board, Virginia

February 25

† Fire Services Board, Virginia
† Medicine, Board of

February 27

Nursing, Board of
† Water Control Board, State

February 28

† Agriculture and Consumer Services, Department of
- Virginia Marine Products Board
Contractors, Board for
† Environmental Quality, Department of
Marine Resources Commission
Nursing, Board of
† Pharmacy, Board of

March 2

† Agriculture and Consumer Services, Department of
- Virginia Wine Board
Dentistry, Board of
† Environmental Quality, Department of
Nursing, Board of

March 3

Art and Architectural Review Board
Dentistry, Board of
† Social Work, Board of

March 6

Alcoholic Beverage Control Board
† Medicine, Board of

March 7

† Contractors, Board for
† Museum of Fine Arts, Virginia

March 8

† Environmental Quality, Department of
† Medicine, Board of
† Museum of Fine Arts, Virginia
Pharmacy, Board of
Waterworks and Wastewater Works Operators, Board for

March 9

Agriculture and Consumer Services, Department of
- Virginia Soybean Board
† Environmental Quality, Department of

March 10

Child Fatality Review Team, State

March 11

Blind and Vision Impaired, Department for the
- Rehabilitation Council for the Blind

March 13

Asbestos, Lead, and Home Inspectors, Virginia Board for
† Economic Development Partnership, Virginia
† Environmental Quality, Department of

Higher Education for Virginia, State Council of
Library Board, State
Local Government, Commission on
Museum of Fine Arts, Virginia
† Rehabilitative Services, Department of
- State Rehabilitation Council

March 14

Alzheimer's Disease and Related Disorders Commission
† Contractors, Board for
Corrections, Board of
† Environmental Quality, Department of
Higher Education for Virginia, State Council of

March 15

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Community Colleges, State Board for
Corrections, Board of
Hearing Aid Specialists, Board for
Jamestown-Yorktown Foundation
Lottery Board, State
† Medicine, Board of
† Treasury Board
Veterans Services, Department of
- Joint Leadership Council of Veterans Service
Organizations

March 16

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Community Colleges, State Board for
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Design Build/Construction Management Review Board
† Environmental Quality, Department of
Labor and Industry, Department of
- Virginia Apprenticeship Council

March 17

Dentistry, Board of
† Rehabilitative Services, Department
- Commonwealth Neurotrauma Initiative Trust Fund
Advisory Board

March 20

Alcoholic Beverage Control Board
† Chesapeake Bay Local Assistance Board
Education, Board of
- Advisory Board on Teacher Education and Licensure
Nursing, Board of
Old Dominion University

March 21

† Contractors, Board for
Environmental Quality, Department of
- Ground Water Protection Steering Committee
Medicine, Board of
Nursing, Board of
Research and Technology Advisory Commission, Virginia

March 22

† Agriculture and Consumer Services, Board of
Education, Board of
Nursing, Board of

March 23

† Environmental Quality, Department of

Nursing, Board of
Public Guardian and Conservator Advisory Board, Virginia
Real Estate Board

March 27

Agriculture and Consumer Services, Department of
- Virginia Agricultural Council

March 28

Agriculture and Consumer Services, Department of
- Virginia Agricultural Council
Contractors, Board for
Marine Resources Commission

March 29

† Compensation Board

March 30

Health Professions, Department of
Medical Assistance Services, Department of
† Medicine, Board of
† Water Control Board, State

March 31

Dentistry, Board of
Nursing, Board of

April 3

Alcoholic Beverage Control Board
Nursing, Board of

April 4

Museum of Fine Arts, Virginia
Veterans Services, Department of
- Board of Veterans Services

April 5

† Asbestos, Lead, and Home Inspectors, Virginia Board for
Geology, Board for
Information Technologies Agency, Virginia
- Wireless E-911 Services Board

April 6

Outdoors Foundation, Virginia
† Retirement System, Virginia

April 7

Art and Architectural Review Board
Health, Department of
- Sewage Handling and Disposal Advisory Committee
Medicine, Board of
Old Dominion University
Opticians, Board for
Outdoors Foundation, Virginia
† Social Work, Board of

April 11

Long-Term Care Administrators, Board of
Medical Assistance Services, Board of
Psychology, Board of

April 12

Juvenile Justice, State Board of
Nursing, Board of
Nursing and Medicine, Joint Boards of
Protection and Advocacy, Virginia Office for
- Disabilities Advisory Council

April 13

Auctioneers Board
Nursing, Board of

April 17

Alcoholic Beverage Control Board

April 18

Forestry, Board of

Calendar of Events

Nursing, Board of
April 19
Mental Health, Mental Retardation and Substance Abuse
Services, Department of

April 20
Design-Build/Construction Management Review Board

April 21
Dentistry, Board of

April 24
Education, Board of
- Advisory Board on Teacher Education and Licensure
Nursing, Board of

April 25
† Conservation and Recreation, Department of
- Virginia Scenic River Board
Contractors, Board for
Nursing, Board of
Protection and Advocacy, Virginia Office for
- Board for Protection and Advocacy

April 26
Education, Board of

April 27
Education, Board of
Soil Scientists and Wetland Professionals, Board for
† Water Control Board, State

April 29
† Conservation and Recreation, Department of
- Virginia Cave Board

May 1
Alcoholic Beverage Control Board
Branch Pilots, Board for

May 2
Museum of Fine Arts, Virginia
Real Estate Appraiser Board

May 3
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

May 5
Art and Architectural Review Board

May 9
† Chesapeake Bay Local Assistance Board
† Child Fatality Review Team, State

May 10
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Asbestos, Lead, and Home Inspectors, Virginia Board for

May 11
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Real Estate Board

May 12
† Dentistry, Board of

May 15
† Alcoholic Beverage Control Board
† Nursing, Board of
† Old Dominion University

May 16
† Corrections, Board of
† Nursing, Board of
† Research and Technology Advisory Commission, Virginia

May 17
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Community Colleges, Board for
† Corrections, Board of
† Nursing, Board of

May 18
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Community Colleges, State Board for
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
† Design-Build/Construction Management Review Board
† Nursing, Board of
† Protection and Advocacy, Virginia Office for
- PAIMI Advisory Council

May 19
† Medicine, Board of

PUBLIC HEARINGS

February 23
Medicine, Board of

March 1
Environmental Quality, Department of

March 2
Environmental Quality, Department of

March 3
Dentistry, Board of

March 7
Barbers and Cosmetology, Board for

March 8
† Air Pollution Control Board, State

March 15
† Environmental Quality, Department of

March 16
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Manufactured Housing Board

March 21
Water Control Board, State

March 23
Water Control Board, State

March 27
† Water Control Board, State

March 28
† Water Control Board, State

March 30
Asbestos, Lead and Home Inspectors, Virginia Board for

April 4
† Water Control Board, State

April 7
† Compensation Board