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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2005 VAC Supplement includes final regulations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
2 VAC 5-20-30	Erratum	22:13 VA.R. 2153	--
2 VAC 5-390-180	Amended	22:14 VA.R. 2201	2/27/06
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4 VAC 3-10-40	Repealed	22:5 VA.R. 709	12/14/05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4 VAC 5-15-130	Repealed	22:7 VA.R. 1006	1/11/06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 5-36-50	Erratum	22:14 VA.R. 2216	--
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 20-20-50	Amended	22:12 VA.R. 2033	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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 20-530-10	Amended	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-20	Amended	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-20 emer	Amended	22:14 VA.R. 2208	3/2/06-3/31/06
4 VAC 20-530-23	Repealed	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-26	Repealed	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-29	Repealed	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-30	Amended	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-30 emer	Amended	22:14 VA.R. 2208	3/2/06-3/31/06
4 VAC 20-530-31	Added	22:12 VA.R. 2035	1/27/06
4 VAC 20-530-31 emer	Amended	22:14 VA.R. 2208	3/2/06-3/31/06
4 VAC 20-530-32 emer	Added	22:14 VA.R. 2209	3/2/06-3/31/06
4 VAC 20-530-35	Repealed	22:12 VA.R. 2035	1/27/06
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 20-720-40 emer	Amended	22:12 VA.R. 2043	2/1/06-2/28/06
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 20-720-50 emer	Amended	22:12 VA.R. 2043	2/1/06-2/28/06
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

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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 20-950-47	Amended	22:12 VA.R. 2035	2/1/06
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	Amended	22:12 VA.R. 2035	2/1/06
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
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 20-260-10 through 6 VAC 20-260-360 emer	Added	22:12 VA.R. 2044-2053	2/20/06-2/19/07
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	*
9 VAC 5-50-270	Amended	22:10 VA.R. 1563	*
9 VAC 5-50-280	Amended	22:10 VA.R. 1564	*
9 VAC 5-50-400	Amended	22:4 VA.R. 588	12/1/05

* Notice of Suspension of Regulatory Process and Reopening of Public Comment Period (22:13 VA.R. 2131-2132)

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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	*
9 VAC 5-80-1110	Amended	22:10 VA.R. 1565	*
9 VAC 5-80-1310	Repealed	22:10 VA.R. 1569	*
9 VAC 5-80-1605	Amended	22:10 VA.R. 1571	*
9 VAC 5-80-1615	Amended	22:10 VA.R. 1571	*
9 VAC 5-80-1625	Amended	22:10 VA.R. 1583	*
9 VAC 5-80-1635	Added	22:10 VA.R. 1583	*
9 VAC 5-80-1645	Added	22:10 VA.R. 1584	*
9 VAC 5-80-1655	Added	22:10 VA.R. 1584	*
9 VAC 5-80-1665	Added	22:10 VA.R. 1584	*
9 VAC 5-80-1675	Added	22:10 VA.R. 1584	*
9 VAC 5-80-1685	Added	22:10 VA.R. 1584	*
9 VAC 5-80-1695	Added	22:10 VA.R. 1584	*
9 VAC 5-80-1700	Repealed	22:10 VA.R. 1585	*
9 VAC 5-80-1705	Added	22:10 VA.R. 1585	*
9 VAC 5-80-1710	Repealed	22:10 VA.R. 1586	*
9 VAC 5-80-1715	Added	22:10 VA.R. 1586	*
9 VAC 5-80-1720	Repealed	22:10 VA.R. 1586	*
9 VAC 5-80-1725	Added	22:10 VA.R. 1586	*
9 VAC 5-80-1730	Repealed	22:10 VA.R. 1586	*
9 VAC 5-80-1735	Amended	22:10 VA.R. 1586	*
9 VAC 5-80-1740	Repealed	22:10 VA.R. 1587	*
9 VAC 5-80-1745	Added	22:10 VA.R. 1587	*
9 VAC 5-80-1750	Repealed	22:10 VA.R. 1587	*
9 VAC 5-80-1755	Added	22:10 VA.R. 1587	*
9 VAC 5-80-1760	Repealed	22:10 VA.R. 1587	*
9 VAC 5-80-1765	Amended	22:10 VA.R. 1587	*
9 VAC 5-80-1770	Repealed	22:10 VA.R. 1588	*
9 VAC 5-80-1775	Added	22:10 VA.R. 1588	*
9 VAC 5-80-1780	Repealed	22:10 VA.R. 1590	*
9 VAC 5-80-1785	Amended	22:10 VA.R. 1590	*
9 VAC 5-80-1790	Repealed	22:10 VA.R. 1591	*
9 VAC 5-80-1795	Added	22:10 VA.R. 1591	*
9 VAC 5-80-1800	Repealed	22:10 VA.R. 1591	*
9 VAC 5-80-1805	Added	22:10 VA.R. 1591	*
9 VAC 5-80-1810	Repealed	22:10 VA.R. 1591	*
9 VAC 5-80-1815	Added	22:10 VA.R. 1591	*
9 VAC 5-80-1820	Repealed	22:10 VA.R. 1591	*
9 VAC 5-80-1825	Amended	22:10 VA.R. 1591	*
9 VAC 5-80-1830	Repealed	22:10 VA.R. 1592	*
9 VAC 5-80-1835	Added	22:10 VA.R. 1592	*
9 VAC 5-80-1845	Added	22:10 VA.R. 1593	*
9 VAC 5-80-1855	Added	22:10 VA.R. 1596	*
9 VAC 5-80-1840	Repealed	22:10 VA.R. 1593	*
9 VAC 5-80-1850	Repealed	22:10 VA.R. 1596	*
9 VAC 5-80-1860	Repealed	22:10 VA.R. 1597	*
9 VAC 5-80-1865	Added	22:10 VA.R. 1597	*
9 VAC 5-80-1870 through 9 VAC 5-80-1920	Repealed	22:10 VA.R. 1602	*
9 VAC 5-80-1925	Added	22:10 VA.R. 1602	*
9 VAC 5-80-1930	Repealed	22:10 VA.R. 1603	*
9 VAC 5-80-1935	Added	22:10 VA.R. 1603	*
9 VAC 5-80-1940	Repealed	22:10 VA.R. 1603	*
9 VAC 5-80-1945	Added	22:10 VA.R. 1603	*

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-1950	Repealed	22:10 VA.R. 1604	*
9 VAC 5-80-1955	Added	22:10 VA.R. 1604	*
9 VAC 5-80-1960	Repealed	22:10 VA.R. 1604	*
9 VAC 5-80-1965	Added	22:10 VA.R. 1604	*
9 VAC 5-80-1970	Repealed	22:10 VA.R. 1604	*
9 VAC 5-80-1975	Added	22:10 VA.R. 1604	*
9 VAC 5-80-1985	Added	22:10 VA.R. 1605	*
9 VAC 5-80-1995	Added	22:10 VA.R. 1605	*
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:10 VA.R. 1605-1617	*
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:10 VA.R. 1617-1620	*
9 VAC 5-80-2090	Amended	22:10 VA.R. 1620	*
9 VAC 5-80-2091	Added	22:10 VA.R. 1620	*
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:10 VA.R. 1621-1624	*
9 VAC 5-80-2141 through 9 VAC 5-80-2144	Added	22:10 VA.R. 1624-1634	*
9 VAC 5-80-2180	Amended	22:10 VA.R. 1634	*
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:10 VA.R. 1635-1637	*
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
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 25-660-10	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-60	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-670-10	Erratum	22:12 VA.R. 2063	--
9 VAC 25-670-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-670-100	Erratum	22:12 VA.R. 2063	--

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9 VAC 25-680-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-80	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-100	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-30	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-50	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-100	Erratum	22:12 VA.R. 2063	--
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 25-720-60	Erratum	22:12 VA.R. 2064	--
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 25-720-120	Erratum	22:12 VA.R. 2064	--
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
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

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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
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 30-80-40	Amended	22:14 VA.R. 2202	5/1/06
12 VAC 30-80-190	Amended	22:14 VA.R. 2204	5/1/06
12 VAC 30-80-190 emer	Amended	22:14 VA.R. 2209	5/1/06-4/30/07
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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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
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 17. Libraries and Cultural Resources			
17 VAC 10-30-10 through 17 VAC 10-30-160	Added	22:13 VA.R. 2132-2140	4/5/06
Title 18. Professional and Occupational Licensing			
18 VAC 30-20-80	Amended	22:14 VA.R. 2205	4/19/06
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

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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 65-20-110	Amended	22:12 VA.R. 2036	3/22/06
18 VAC 65-40-40	Amended	22:12 VA.R. 2036	3/22/06
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-30	Amended	22:12 VA.R. 2037	3/22/06
18 VAC 90-25-80	Amended	22:8 VA.R. 1171	1/25/06
18 VAC 90-25-80	Amended	22:12 VA.R. 2037	3/22/06
18 VAC 90-30-50	Amended	22:12 VA.R. 2038	3/22/06
18 VAC 90-40-70	Amended	22:12 VA.R. 2038	3/22/06
18 VAC 90-50-30	Amended	22:12 VA.R. 2038	3/22/06
18 VAC 95-20-130	Amended	22:13 VA.R. 2141	4/5/06
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 105-20-20	Amended	22:13 VA.R. 2141	4/5/06
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 112-20-130	Amended	22:13 VA.R. 2141	4/5/06
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 112-20-150	Amended	22:13 VA.R. 2142	4/5/06
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 115-20-20	Amended	22:14 VA.R. 2206	4/19/06
18 VAC 115-20-106	Amended	22:12 VA.R. 2039	3/22/06
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 115-30-30	Amended	22:14 VA.R. 2206	4/19/06
18 VAC 115-40-20	Amended	22:14 VA.R. 2207	4/19/06
18 VAC 115-50-20	Amended	22:14 VA.R. 2207	4/19/06
18 VAC 115-50-96	Amended	22:12 VA.R. 2040	3/22/06
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 115-60-20	Amended	22:14 VA.R. 2207	4/19/06
18 VAC 115-60-116	Amended	22:12 VA.R. 2041	3/22/06
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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
24 VAC 30-400-10 through 24 VAC 30-400-40	Repealed	22:13 VA.R. 2142	2/14/06
24 VAC 30-401-10 through 24 VAC 30-401-40	Added	22:13 VA.R. 2142-2143	2/14/06

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Initial Agency Notice

Title of Regulation: **18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene.**

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

Name of Petitioner: Scott J. Golrich, DDS.

Nature of Petitioner's Request: To allow two CE units per year for an equivalent volunteer time in a free clinic.

Agency's Plan for Disposition of Request: The board is requesting public comment on the petition and will consider the request for an amendment at its meeting on June 9, 2006.

Public comments may be submitted until May 4, 2006.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Board of Dentistry, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R06-212; Filed March 14, 2006, 10:44 a.m.

BOARD OF PHARMACY

Initial Agency Notice

Title of Regulation: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.**

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

Name of Petitioner: Meron T. Endale.

Nature of Petitioner's Request: Amend regulations to accept hours of experience gained prior to registration of internship with board by foreign pharmacists who are approved to take the FPGEE examination.

Agency's Plan for Disposition of Request: The board reviewed the petition at its meeting on March 8, 2006, and requested public comment prior to making a decision on whether to initiate rulemaking at its meeting on June 7, 2006.

Public comments may be submitted until May 3, 2006.

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

VA.R. Doc. No. R06-213; Filed March 14, 2006, 10:44 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-80, Methods and Standards for Establishing Payment Rates; Other Types of Service**. The purpose of the proposed action is to increase physician fees for three types of physician services.

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

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

Public comments may be submitted until April 19, 2006.

Contact: Carla Russell, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4586, FAX (804) 786-1680 or e-mail carla.russell@dmas.virginia.gov.

VA.R. Doc. No. R06-200; Filed February 17, 2006, 2:31 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 provide treatment standards for physicians who manage noncancer pain with opioids.

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 5 p.m. on May 3, 2006.

Contact: William L. 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. R06-214; Filed March 15, 2006, 9:28 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 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 eliminate the face-to-face requirements for continuing education and examine the ratio of Type 1 and Type 2 hours.

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 5 p.m. on May 3, 2006.

Contact: William L. 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. R06-215; Filed March 15, 2006, 9:28 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 amending regulations entitled **18 VAC 85-120, Regulations Governing the Licensure of Athletic Trainers**. The purpose of the proposed action is to further specify the supervisory responsibilities of licensed athletic trainers for persons with provisional authorization to practice.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957.4 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on April 5, 2006.

Contact: William L. 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. R06-197; Filed February 15, 2006, 10:28 a.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-40, Regulations Governing Collaborative Practice Agreements**. The purpose of the proposed action is to clarify certain provisions and modify others that may discourage the use of collaborative practice agreements.

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

Statutory Authority: §§ 54.1-2400, 54.1-3300 and 54.1-3300.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on April 5, 2006.

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

VA.R. Doc. No. R06-198; Filed February 15, 2006, 10:28 a.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

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: 4 VAC 25-130. Coal Surface Mining Reclamation Regulations

Statutory Authority: §§ 45.1-161.3, 45.1-230 and 45.1-242 of the Code of Virginia.

Public Hearing Date: May 2, 2006 - 9:30 a.m.

Public comments may be submitted until 5 p.m. on June 3, 2006.

(See Calendar of Events section for additional information)

Agency Contact: Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 North Ninth Street, 8th Floor, Richmond, VA 23219-3402, telephone (804) 692-3211, FAX (804) 692-3237, or e-mail stephen.walz@dmme.virginia.gov.

Basis: The Department of Mines, Minerals and Energy (DMME) has authority to promulgate this regulation under § 45.1-161.3, 45.1-230 and 45.1-242 of the Code of Virginia.

Section 45.1-161.3 empowers DMME, with the approval of the Director, to promulgate regulations necessary or incidental to the performance of duties or execution of powers under Title 45.1 of the Code of Virginia.

Section 45.1-230 of the Code of Virginia empowers the DMME Director to promulgate regulations as may be necessary to carry out the provisions of the Virginia Coal Surface Mining Control and Reclamation Act of 1979, Chapter 19 (§ 45.1-226 et seq.) of Title 45.1 of the Code.

Section 45.1-242 of the Code of Virginia directs the DMME Director to establish performance standards applicable to all surface mining and reclamation operations. Establishment of these performance standards by regulation is mandatory.

Purpose: The proposed amendments are intended to increase the safety of people in occupied buildings near active coal mines and reduce the risk of property damage from mining operations.

The first amendment to the regulations will require coal mine operators to install and maintain permanent permit boundary markers that are made out of or marked with fluorescent or reflective paint in areas located above residences or occupied buildings. This requirement is being put into place to ensure that persons conducting mining operations can clearly locate the boundaries of the permitted site during the night or day when they are working on slopes above residences or occupied buildings. The goal of this change is to ensure that no danger is posed from material that may move off of the

permitted mine site downhill into areas containing residences or other occupied buildings.

The second amendment to the regulations will require operators of coal mines to monitor with a seismograph all blasts that are conducted within 1,000 feet of a residence or occupied building. Under current regulations, operators may use a formula, called the scaled distance equation, to determine the allowable charge weight of explosives to be detonated in any eight-millisecond period and not be required to monitor the air blast or ground vibration with a seismograph. This amendment is being put in place to help respond to the large number of complaints from the public about the effects of coal mine blasting on nearby residences. Monitoring every blast will enable the Department of Mines, Minerals and Energy to better determine whether blasts on coal mines exceed the maximum air blast and ground vibration limits in the regulation.

This regulation amendment was recommended in the accident investigation report following an August 20, 2004, incident in Wise County that resulted in fatal injuries to a three-year old boy.

Substance: The Department of Mines, Minerals and Energy is proposing amendments to two sections of the 4 VAC 25-130 Coal Surface Mining Reclamation Regulations.

One section deals with the signs and markers used to mark the boundaries of areas permitted for surface mining operations. The regulation that existed before the emergency amendments required the signs and markers to be made of durable material and maintained during the conduct of permitted activities in those areas. The change to this section requires that, in areas on steep slopes above private dwellings or other occupied buildings, such markers be made of or marked with fluorescent or reflective paint or other material. Such marking will allow the boundaries to be seen by equipment operators under most conditions, even when operations occur after dark.

The other section applies to seismic monitoring of blasting on coal mines. The pre-emergency regulation required blasts to be monitored with a seismograph if the weight of charge being detonated within an eight-millisecond period exceeded the allowable amount calculated using the scaled distance equation, an industry-standard formula for determining the effect of a blast at a distance. The change to this regulation requires all blasts within 1,000 feet of an occupied building to be monitored with a seismograph.

Issues: The primary advantage of the proposed regulatory amendments is that they will improve the safety of people in residences and occupied commercial buildings near active coal mines. They will also reduce the risk of property damage from offsite-material and blasting. The agency foresees no disadvantages to the public. There will be some additional

expense to the coal industry for permanent fluorescent boundary markers and additional blast monitoring.

Regulations will be enforced under existing regulatory programs with existing personnel; therefore, there will be little fiscal impact to the agency or Commonwealth.

Requirements More Restrictive Than Federal: Both proposed amendments will result in regulations that are more restrictive than the federal Office of Surface Mining requirements. The requirements for fluorescent or reflective boundary markers and seismic monitoring of blasts within 1,000 feet of occupied buildings were recommended in the accident investigation report following the August 2004 offsite fatality. The rationale was that these changes were necessary to protect people and property near active surface coal mining operations. DMME was directed to enact the recommendations as regulations by the Virginia General Assembly in HB 2573 (2005).

Localities Particularly Affected: The proposed regulatory amendments apply to any locality in which coal mines operate. Currently, coal mines are operating in seven counties in southwestern Virginia: Buchanan, Dickenson, Wise, Lee, Tazewell, Russell, and Scott.

Public Participation: In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping, and other administrative costs; (ii) probable effect of the regulation on affected small businesses; and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, e-mail, or fax to Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 North Ninth Street, 8th Floor, Richmond, VA 23219, telephone (804) 692-3211, FAX (804) 692-3237, or e-mail stephen.walz@dmme.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the proposed amendments to regulation. Pursuant to legislative directive, the Department of Mines, Minerals and Energy (department) proposes two new requirements regarding coal mining safety. House Bill 2573 of the 2005 General Assembly directs the department to amend these regulations to require "coal mine permit boundary markers located on steep slopes above private dwellings or other occupied buildings to be made or marked with fluorescent or reflective paint or material" and to require "all persons conducting blasting operations on coal mines occurring within 1,000 feet of a private dwelling or occupied building to conduct seismic monitoring of the blasting." The department proposes to amend these regulations so as to comply with the legislative directive.

Result of analysis. The benefits likely exceed the costs for all proposed changes.

Estimated economic impact. The first proposed amendment to the regulations requires coal mine operators to install and maintain permanent permit boundary markers that are made out of or marked with fluorescent or reflective paint in areas located above residences or occupied buildings. This requirement is being put into place to ensure that persons conducting mining operations can clearly locate the boundaries of the permitted site during the night or day when they are working on slopes above residences or occupied buildings. The goal of this change is to ensure that no danger is posed from material that may move off of the permitted mine site downhill into areas containing residences or other occupied buildings. There have been numerous complaints from neighbors of mining sites concerning materials falling on to their property.¹

According to the department, the additional cost of adding reflective or fluorescent material to existing required permit boundary markers is estimated to average \$275 per year for a typical surface mine with 5,000 feet of boundary needing to be marked, and assuming a seven-year replacement cycle for the material. No additional administrative costs are anticipated. The costs are relatively small and are likely to reduce the likelihood that persons conducting mining operations will accidentally go beyond the permitted boundary when it is dark. Given the apparent problems with property damage and health risks associated with work occurring beyond the boundary, the benefits associated with the proposal to require coal mine operators to install and maintain permanent permit boundary markers that are made out of or marked with fluorescent or reflective paint in areas located above residences or occupied buildings will likely produce a net benefit.

The second proposed amendment to the regulations will require operators of coal mines to monitor with a seismograph all blasts that are conducted within 1,000 feet of a residence or occupied building. Under the current regulations operators may use a formula, called the scaled distance equation, to determine the allowable charge weight of explosives to be detonated in any eight-millisecond period and are not required to monitor the air blast or ground vibration with a seismograph. The department expects that most of the 22 companies in Virginia that operate surface coal mines will need to purchase one additional seismograph at an initial cost of \$7,000² apiece. Labor cost to operate each machine, assuming 240 working days per year, one hour per day, \$30 per hour, would be \$7,200.³ Assuming the machines have a 10-year life, the average annual cost per company would be \$7,900. The seismographs automatically record the blasting record, so no additional costs are anticipated for recordkeeping.⁴

The records produced by the seismographs will significantly improve the department's ability to determine whether blasts on coal mines exceed the maximum air blast and ground

¹ Source: Department of Mines, Minerals and Energy

² Ibid

³ Ibid

⁴ Ibid

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vibration limits in the regulation. According to the department, this amendment is being proposed to help respond to the large number of complaints from the public about the effects of coal mine blasting on nearby residences. Indeed there have been many documented incidents of property damage and one death of a three-year old boy related to coal mine blasting. If the department finds that a blast exceeds the regulatory limits, the operator is subject to receiving a Notice of Violation (4 VAC 25-130-843.12).⁵ Violations can result in fines. The amount of the fine is based on the severity of the violation (4 VAC 25-130-845.13).⁶ If the danger is severe, a Cessation Order may be issued (4 VAC 25-130-843.11).⁷ Given the significant property damage and health risks, the benefits of accurately measuring blasting compliance would seem to exceed the introduced costs.

Businesses and entities affected. The proposed amendments affect the 22 companies that operate 71 surface coal mines in Virginia, as well as nearby residents and businesses. Sellers of seismographs and fluorescent/reflective materials will be affected as well. According to the department, none of the 22 firms that operate surface coal mines qualify as small businesses.

Localities particularly affected. The proposed regulatory amendments particularly affect the localities where coal mines currently operate, i.e., Buchanan, Dickenson, Wise, Lee, Tazewell, Russell, and Scott Counties.⁸

Projected impact on employment. The proposed regulations will most likely not have a large impact on employment. Sellers of seismographs and fluorescent/reflective materials will encounter increased demand for their products, but the increase is unlikely to be large enough to significantly affect employment.

Effects on the use and value of private property. If the proposed amendments do result in fewer incidents of damage to neighboring properties, the value of these properties will increase. As described earlier, costs for firms that operate surface coal mines will moderately increase.

Small businesses: costs and other effects. According to the department, none of the 22 firms that operate surface coal mines qualify as small businesses. Small businesses that are located near surface mines will benefit from the reduced probability of property damage. Some small businesses that sell seismographs or fluorescent/reflective materials will also likely benefit.

Small businesses: alternative method that minimizes adverse impact. The proposed amendments are unlikely to produce adverse impacts for small businesses.

Legal mandate. 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Mines, Minerals and Energy concurs with the economic impact analysis of the Department of Planning and Budget.

Summary:

The proposed amendments (i) require coal mine permit boundary markers located on steep slopes above private dwellings or occupied buildings to be made or marked with fluorescent or reflective material and (ii) require persons conducting blasting operations on coal mines occurring within 1,000 feet of a private dwelling or occupied building to conduct seismic monitoring of the blasting.

4 VAC 25-130-816.11. Signs and markers.

(a) Specifications. Signs and markers required under this Part shall--

(1) Be posted, maintained, and removed by the person who conducts the surface mining activities;

(2) Be of a uniform design throughout the operation that can be easily seen and read;

(3) Be made of durable material;

(4) For permit boundary markers on areas that are located on steep slopes above private dwellings or other occupied buildings, be made of or marked with fluorescent or reflective paint or material; and

~~(4)~~ (5) Conform to local ordinances and codes.

(b) Maintenance. Signs and markers shall be maintained during the conduct of all activities to which they pertain.

(c) Mine and permit identification signs.

(1) Identification signs shall be displayed at each point of access to the permit area from public roads.

(2) Signs shall show the name, business address, and telephone number of the permittee and the identification number of the current permit authorizing surface coal mining activities.

⁵ See <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+4VAC25-130-843.12>

⁶ See <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+4VAC25-130-845.13>

⁷ See <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+4VAC25-130-843.11>

⁸ Source: Department of Mines, Minerals and Energy

(3) Signs shall be retained and maintained until after the release of all bonds for the permit area.

(d) Perimeter markers. The perimeter of a permit area shall be clearly marked prior to the permit review conducted by the division's field enforcement personnel. The perimeter shall be clearly marked by flagging, stakes or signs. All markers shall be easily visible from adjacent markers. The approximate outer perimeter of the solid portion of any pre-existing bench shall be closely marked prior to permit review.

(e) Buffer zone markers. Buffer zones shall be marked along their boundaries, prior to permit review conducted by the division's field enforcement personnel. The boundaries shall be clearly marked by flagging, stakes or signs as required under 4 VAC 25-130-816.57. All markers of the buffer zone shall be easily visible from adjacent markers.

(f) Blasting signs. If blasting is conducted incident to surface mining activities, the person who conducts these activities shall:

(1) Conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public road right of way, and at the point where any other road provides access to the blasting area; and

(2) At all entrances to the permit area from public roads or highways place conspicuous signs which state "Warning! Explosives In Use" which clearly list and describe the meaning of the audible blast warning and all clear signals that are in use, and which explain the marking of blasting areas and charged holes awaiting firing within the permit area.

(g) Topsoil markers. Where topsoil or other vegetation-supporting material is segregated and stockpiled as required under 4 VAC 25-130-816.22, the stockpiled material shall be clearly marked.

(h) Incremental bonding markers. When the permittee elects to increment the amount of performance bond during the term of the permit, he shall, if required by the division, identify the initial and successive incremental areas for bonding by clearly marking such areas (with markers different from the perimeter markers) prior to disturbing the incremental area(s).

4 VAC 25-130-816.64. Use of explosives; blasting schedule.

(a) General requirements.

(1) The permittee shall conduct blasting operations at times approved by the division and announced in the blasting schedule. The division may limit the area covered, timing, and sequence of blasting as listed in the schedule, if such limitations are necessary and reasonable in order to protect the public health and safety or welfare.

(2) All blasting shall be conducted during daylight hours. The division may specify more restrictive time periods for blasting.

(3) Unscheduled blasts may be conducted only where public or permittee health and safety so require and for emergency blasting actions. When a permittee conducts an unscheduled blast, the permittee, using audible signals,

shall notify residents within 1/2 mile of the blasting site and document the reason for the unscheduled blast in accordance with 4 VAC 25-130-816.68(p).

(4) Seismic monitoring shall be conducted when blasting operations on coal surface mining operations are conducted within 1,000 feet of a private dwelling or other occupied building.

(b) Blasting schedule publication and distribution.

(1) The permittee shall publish the blasting schedule in a newspaper of general circulation in the locality of the blasting site at least 10 days, but not more than 30 days, before beginning a blasting program.

(2) The permittee shall distribute copies of the schedule to local governments and public utilities and to each local residence within 1/2 mile of the proposed blasting site described in the schedule.

(3) The permittee shall republish and redistribute the schedule at least every 12 months and revise and republish the schedule at least 10 days, but not more than 30 days, before blasting whenever the area covered by the schedule changes or actual time periods for blasting significantly differ from the prior announcement.

(c) Blasting schedule contents. The blasting schedule shall contain, at a minimum-

(1) Name, address, and telephone number of the permittee;

(2) Identification of the specific areas in which blasting will take place;

(3) Dates and time periods when explosives are to be detonated;

(4) Methods to be used to control access to the blasting area; and

(5) Type and patterns of audible warning and all-clear signals to be used before and after blasting.

VA.R. Doc. No. R05-282; Filed March 15, 2006, 11:35 a.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Services (amending 12 VAC 30-70-291).

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

Public Hearing Date: N/A -- Public comments may be submitted until June 2, 2006.

(See Calendar of Events section for additional information)

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Agency Contact: Carla Russell, Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4586, FAX (804) 786-1680, or e-mail carla.russell@dmas.virginia.gov.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia authorizes the Director of DMAS to administer and amend the Plan for Medical Assistance according to the board's requirements. The Medicaid authority as established by § 1902 (a) of the Social Security Act (42 USC § 1396a) provides governing authority for payments for services.

Purpose: The purpose of this proposed regulatory action is to implement supplemental payments for qualifying hospitals through Indirect Medical Education (IME) funding based on high neonatal intensive care unit (NICU) utilization or, alternatively, a high number of NICU days. By increasing reimbursement associated with higher NICU costs, DMAS hopes to maintain or increase access to NICU care for the Medicaid and FAMIS population. Increased access to NICU services would enhance public health, safety and welfare.

Substance: Item 326 HHH of the 2004 Appropriation Act calls for an Indirect Medical Education (IME) payment enhancement to nonstate government-owned hospitals with Medicaid NICU utilization greater than 50% (as reported to DMAS by March 1, 2004). Based on data available as of March 1, 2004, there are two private hospitals for which the Medicaid NICU utilization meets this standard. The regulatory change provides additional language to codify the IME enhancement as directed by the Appropriation Act. The total amount of funds to be dispersed among eligible hospitals has been set at \$1.5 million annually. This mandate was effective with State Fiscal Year 2005.

Item 326 ZZZ of the 2005 Appropriation Act calls for an IME payment enhancement to private (Type Two) hospitals with Medicaid NICU days in excess of 4,500 (as reported to DMAS by March 1, 2005) that would not receive enhanced payment under the criterion in Item 326 HHH of the Appropriation Act described above. Based on data available as of March 1, 2005, there is only one private hospital for which the Medicaid NICU days meet this standard. The regulatory change provides additional language to codify the IME enhancement as directed by the Appropriation Act. The total amount of funds to be dispersed among eligible hospitals has been set at \$0.5 million annually. This mandate was effective with State Fiscal Year 2006.

Issues: The primary advantage to the Commonwealth is that increases in reimbursement generally may sustain or enhance access to medical services. The primary disadvantage to the Commonwealth is an increased expenditure of funds for medical services without any directly related and measurable increase in access to care. The advantage to the public is that increased reimbursement may lead to greater access to NICU services for the Medicaid population, but may also enhance availability of NICU services to the public generally. The disadvantage to the public would be the greater

expenditure of public funds to maintain these supplemental payments.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the proposed regulation. Pursuant to the 2004 and 2005 Appropriation Acts, the proposed regulations provide supplemental indirect medical education (IME) payments to private hospitals with Medicaid neonatal intensive care unit (NICU) utilization greater than 50% or with Medicaid NICU days in excess of 4,500. These proposed permanent changes have been in effect under two separate emergency regulations.

Results of analysis. The costs likely exceed the benefits for all proposed changes. A different design would likely yield greater benefits at the same cost for all proposed changes. However, the proposed designs are mandated by the statute.

Estimated economic impact. Item 326 HHH of the 2004 Appropriation Act directs the Department of Medical Assistance Services (DMAS) to provide \$1.5 million in IME payments to nonstate hospitals with Medicaid NICU utilization greater than 50%. One half of the additional payments will be provided from state funds and the other half from federal matching funds. The Appropriation Act is specific in that eligibility for supplemental payments be determined based on the most recent utilization data available as of March 1, 2004.

In addition, Item 326 ZZZ of the 2005 Appropriation Act directs DMAS to provide \$500,000 in IME payments to nonstate hospitals with Medicaid NICU days greater than 4,500. Similarly, one half of the additional payments will be provided from state funds and the other half from federal matching funds. The 2005 Appropriation Act is also specific in that eligibility for these supplemental payments be determined based on the most recent utilization data available as of March 1, 2005.

DMAS has already implemented one set of emergency regulations in May 2005 to provide \$1.5 million to eligible private hospitals mandated by the 2004 Appropriation Act and another set of emergency regulations in July 2005 to provide \$0.5 million to eligible private hospitals mandated by the 2005 Appropriation Act. The intent of the proposed regulations is to make the two sets of emergency regulations permanent.

The main economic effect of the proposed regulations is to transfer an additional \$2 million in IME payments from state and federal funds to eligible private hospitals with high Medicaid NICU utilization. Two hospitals were determined eligible based on the 2004 Appropriation Act and one hospital was determined eligible based on the 2005 Appropriation Act. Because the second set of emergency regulations has not been implemented in fiscal year (FY) 2005, the total payments to eligible hospitals were \$1.5 million in FY 2005 and will be \$2 million in FY 2006. Beyond FY 2006, DMAS will continue to make \$2 million in supplemental IME payments every year.

The additional funding to private hospitals providing NICU services should strengthen their incentives to continue to participate in Virginia's Medicaid program. In general, Medicaid does not reimburse 100% of the reported costs of providing care to provider hospitals. DMAS is certain that even

with the additional \$2 million in IME payments, the total Medicaid reimbursement to the three hospitals will not reach 100% of the reported costs of providing care to Medicaid recipients. Thus, the additional IME payments to the three eligible hospitals are expected to reduce their unreimbursed Medicaid costs and strengthen their incentives to stay in the program. However, DMAS does not believe that any of the three hospitals would have stopped participating in Medicaid if they were not provided additional IME payments. Thus, no significant effect on access to medical care is expected.

As with most Medicaid reimbursements, \$1 million of the funding will be obtained from the federal government. These out-of-state funds enable Virginia to obtain the full benefit of the additional payments at a fraction of the cost. In other words, without the federal matching funds it would have cost the state double the amount to strengthen the incentives of the three hospitals to continue providing services to Virginia's Medicaid recipients. The additional federal funding represents a net injection to Virginia's economy with well-known expansionary effects on the economic activity.

The legislative requirement to use specific utilization data to determine eligibility and in the apportionment of additional funding for perpetuity could be a significant barrier in continuing to provide additional incentives to hospitals providing NICU services to Medicaid recipients. The statutory language specifically directs DMAS to determine eligibility and the apportionment of funds among eligible hospitals based on specific point-in-time Medicaid NICU utilization data. Thus, if a private hospital had high Medicaid NICU utilization in the relevant time period satisfying the statutory criteria, then it will continue to receive the same amount of funding in perpetuity regardless of the changes in its Medicaid NICU utilization. Because the eligibility and the amount of supplemental payments will not be re-determined, a hospital that does not currently qualify for this additional funding, which, in a subsequent period, has more than 50% Medicaid NICU utilization or more than 4,500 Medicaid NICU days, will still not be eligible for any portion of this additional funding. Conversely, current eligible hospitals will continue to receive exactly the same amount of funding every year even if their Medicaid NICU utilization becomes minimal, although, given the hospitals that currently qualify, this is highly unlikely. Not determining the eligibility on an ongoing basis and not recalculating the apportionment of funds among eligible hospitals based on the updated utilization data may be less effective in achieving the intent of the additional funding that is assumed to be strengthening the incentives of private hospitals to continue to participate in Virginia's Medicaid program. Also, the fact that the state budget is reviewed annually should mitigate the significance of the proposed design being a barrier in continuing to provide additional incentives to hospitals.

Businesses and entities affected. The proposed regulations will affect three private hospitals with high Medicaid NICU utilization in 2002 and 2003.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth.

Projected impact on employment. The proposed regulations are not expected to create a significant direct effect on

employment because it is believed that the three hospitals would have continued to provide services to Medicaid recipients without the proposed payments. However, the inflow of federal matching funds is expected to have an expansionary effect on economic activity in Virginia and to have an indirect positive effect on employment.

Effects on the use and value of private property. The additional funding provided to three private hospitals will improve their profitability and should increase their asset values.

Small businesses: costs and other effects. The proposed regulations will not affect small businesses.

Small businesses: alternative method that minimizes adverse impact. The proposed regulations will not affect small businesses.

Legal mandate. 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Medical Assistance Services has reviewed the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Methods and Standards for Establishing Payment Rates-Inpatient Hospital Services: Modification of Indirect Medical Education Payments (12 VAC 30-70-291). The agency raises no issues with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

This regulatory action combines two previous emergency regulatory changes mandated through the 2004 and 2005 Appropriation Acts for the Medicaid Indirect Medical Education (IME) payment methodology. The proposed amendments implement a new supplemental IME payment for hospitals with Medicaid neonatal intensive care unit

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(NICU) utilization greater than 50% or with Medicaid NICU days in excess of 4,500.

12 VAC 30-70-291. Payment for indirect medical education costs.

A. Hospitals shall be eligible to receive payments for indirect medical education. These payments recognize the increased use of ancillary services associated with the educational process and the higher case-mix intensity of teaching hospitals. The payments for indirect medical education shall be made in estimated quarterly lump sum amounts and settled at the hospital's fiscal year end.

B. Final payment for IME shall be determined as follows:

1. Type One hospitals shall receive an IME payment equal to the hospital's Medicaid operating reimbursement times an IME percentage determined as follows:

IME Percentage for Type One Hospitals = $[1.89 \times ((1 + r)^{0.405} - 1)] \times (\text{IME Factor})$

An IME factor shall be calculated for each Type One hospital and shall equal a factor that, when used in the calculation of the IME percentage, shall cause the resulting IME payments to equal what the IME payments would be with an IME factor of one, plus an amount equal to the difference between operating payments using the adjustment factor specified in subdivision B 1 of 12 VAC 30-70-331 and operating payments using an adjustment factor of one in place of the adjustment factor specified in subdivision B 1 of 12 VAC 30-70-331.

2. Type Two hospitals shall receive an IME payment equal to the hospital's Medicaid operating reimbursement times an IME percentage determined as follows:

IME Percentage for Type Two Hospitals = $[1.89 \times ((1 + r)^{0.405} - 1)] \times 0.5695$

In both equations, r is the ratio of full-time equivalent residents to staffed beds, excluding nursery beds. The IME payment shall be calculated each year using the most recent reliable data regarding the number of full-time equivalent residents and the number of staffed beds, excluding nursery beds.

C. An additional IME payment shall be made for inpatient hospital services provided to Medicaid patients but reimbursed by capitated managed care providers. This payment shall be equal to the hospital's hospital specific operating rate per case, as determined in 12 VAC 30-70-311, times the hospital's HMO paid discharges times the hospital's IME percentage, as determined in subsection B of this section.

D. An additional IME payment not to exceed \$1.5 million in total shall be apportioned among Type Two Hospitals with Medicaid NICU utilization in excess of 50% as reported to the Department of Medical Assistance Services as of March 1, 2004. These payments shall be apportioned based on each eligible hospital's percentage of Medicaid NICU patient days relative to the total of these days among eligible hospitals as reported by March 1, 2004.

E. An additional IME payment not to exceed \$500,000 in total shall be apportioned among Type Two Hospitals with Medicaid NICU days in excess of 4,500 as reported to the

Department of Medical Assistance Services as of March 1, 2005, that do not otherwise receive an additional IME payment under subsection D of this section. These payments shall be apportioned based on each eligible hospital's percentage of Medicaid NICU patient days relative to the total of these days among eligible hospitals as reported by March 1, 2005.

VA.R. Docs. No. R05-194 and R05-250; Filed March 14, 2006, 3:42 p.m.

* * * * *

Title of Regulation: 12 VAC 30-141. Family Access to Medical Insurance Security Plan (amending 12 VAC 30-141-10, 12 VAC 30-141-40, 12 VAC 30-141-100, 12 VAC 30-141-160, and 12 VAC 30-141-200; adding 12 VAC 30-141-175; repealing 12 VAC 30-141-170).

Statutory Authority: § 32.1-351 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until June 2, 2006.

(See Calendar of Events section for additional information)

Agency Contact: Linda Nablo, Maternal and Child Health Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4212, FAX (804) 786-1680, or e-mail linda.nablo@dmas.virginia.gov.

Basis: Section 32.1-351 of the Code of Virginia grants to the board the authority to administer and amend the Title XXI Plan (FAMIS). Section 32.1-351 of the Code of Virginia authorizes the director to "adopt, promulgate and enforce such regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) as may be necessary for the implementation and administration of the Family Access to Medical Insurance Security Plan." The 2005 Appropriation Act (Chapter 951, Item 324 L) and Chapter 584 of the 2005 Acts of Assembly mandated that DMAS promulgate regulations to simplify administration of the premium assistance program available under FAMIS and to eliminate the provision that coverage for all benefits not included in the employer's plan be provided for through supplemental insurance coverage.

Purpose: The purpose of this action is to implement a new health insurance premium assistance component for the Family Access to Medical Insurance Security (FAMIS) program to replace the current program, known as Employee Sponsored Health Insurance (ESHI). The goal of this new program is to both improve and simplify the operation and administration of the health insurance premium assistance component of FAMIS while maintaining the cost-effectiveness of the FAMIS program.

Substance: This proposed action affects 12 VAC 30-141-10 (Definitions), in which DMAS deletes the definitions for ESHI and adds definitions for "FAMIS Select" and "Private or employer-sponsored health insurance coverage," as well as removing all references to ESHI. In two sections, 12 VAC 30-141-40 (Review of adverse actions) and 30-141-100 (Eligibility requirements), all references to ESHI are changed to FAMIS Select references. In 12 VAC 30-141-160 (Copayments for families not participating in FAMIS Select) DMAS is removing

the prohibition on co-payments for ESHI enrollees. 12 VAC 30-141-170 (Employer-sponsored health insurance (ESHI)) is being deleted. 12 VAC 30-141-175 (FAMIS Select) is a new section being added to describe the program, and finally, the statement, "The Medicaid look-alike plan is also used as a benchmark for the ESHI of FAMIS" is being deleted from 12 VAC 30-141-200 (Benefit packages).

Issues: The primary advantage to the Commonwealth of this action is that the changes from ESHI to FAMIS Select will make it easier for FAMIS enrollees and potential enrollees to take advantage of this program. Each time a FAMIS enrollee is placed in FAMIS Select, the Commonwealth saves money on health care services costs because, rather than pay for medical services, FAMIS Select permits DMAS to pay for only the health insurance premiums of the enrollee. In addition, the enhanced availability of employer health insurance provides a more attractive alternative for the working families who cannot afford insurance through their employer. There are no disadvantages to the Commonwealth or the public concerning this action.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the proposed regulation. Pursuant to 2005 General Assembly actions¹, the proposed regulations contain a number of simplifying amendments to the Employer-Sponsored Health Insurance (ESHI) component of the Family Access to Medical Insurance Security (FAMIS) plan. The major modifications include (i) providing a flat monthly premium assistance amount per child as opposed to calculating premium assistance amounts and determining cost effectiveness on a case-by-case basis, (ii) no longer restricting eligibility based on employer's contribution to the cost of the coverage, (iii) no longer reimbursing copayments that may be required by the employers' health plan, and (iv) no longer providing wrap-around services for the services that are not covered in the employer's plan.

The intent of the proposed changes is to simplify the administration of the premium assistance program and consequently increase enrollment. The proposed changes have been in effect since August 1, 2005, under emergency regulations.

Result of analysis. The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes. A different design would likely yield the same benefits at lower cost for at least one proposed change.

Estimated economic impact. FAMIS contains a premium assistance component that allows eligible families who have access to employer-sponsored health insurance coverage to enroll their children in their employers' health plan. Prior to August 2005, the Employer-Sponsored Health Insurance (ESHI) was the premium assistance program of FAMIS. Under ESHI, the Department of Medical Assistance Services made premium payments on behalf of eligible participants if it was

determined that such enrollment was cost effective, i.e., the cost of covering the child under FAMIS would be more than the total cost of covering the child under ESHI. ESHI enrollees were also provided supplemental coverage needed to ensure that health benefits were equivalent to those provided under FAMIS.

After experimenting with ESHI for four years, the program was found to be overly complicated to administer and maintained very low enrollment. Restrictions on employer contributions and the determination of cost effectiveness on a case-by-case basis required significant amounts of data and input from applicants as well as from their employers. The administrative requirements of the ESHI program probably discouraged many potential employees from applying and many employers from supplying the contribution amounts. Also, the provision of wrap-around services was not easily understood nor were they easy to access because they were exclusively provided by Medicaid providers. In addition, once the data was obtained, DMAS had to devote a significant amount of time to evaluate the eligibility for and the amount of premium assistance as well as the types of wrap-around services needed to comply with the ESHI requirements. Furthermore, the requirement that the employer contribute 40% of the family coverage is believed to hinder enrollment as employer contributions in many workplaces do not reach 40% of the total cost of coverage. In short, overly complicated administrative rules of ESHI were believed to prevent the program reaping the potential benefits that could be expected from a model where public and private health insurance closely interact with each other.

In response to the 2005 General Assembly directives, the proposed regulations simplify the employer-sponsored insurance component of FAMIS. The simplified new program is named as "FAMIS Select." FAMIS Select differs from ESHI in four major ways. First, it provides a flat monthly premium assistance amount per child as opposed to calculating premium assistance amounts and determining cost effectiveness on a case-by-case basis. Second, FAMIS Select no longer restricts eligibility based on employer's contribution to the cost of the coverage. Third, it no longer reimburses copayments that may be required by the employers' health plan. Fourth, FAMIS Select no longer provides wrap-around benefits for the services that are not covered in the employer's plan.

The differences in FAMIS Select and ESHI are likely to create a number of economic effects on current participants, on potential participants, on DMAS, and on the Commonwealth. With the new changes, current participants will be paid a monthly flat assistance per child. The amount of the assistance will be calculated every year in order to make the program cost effective, i.e., the cost of covering the child under FAMIS Select must be less than the total cost of covering the child under FAMIS. Currently, the monthly premium assistance is \$100 per child. This compares favorably to the average premium assistance paid under ESHI for the existing recipients. In 2003, enrollees received from DMAS \$75.05 per child per month on average including payments for monthly premiums, payments for copayments, and payments for wrap-around service claims. Assistance payments for the 254 months of coverage (covering 44

¹ Chapter 951 (Item 324 L) and Chapter 584 (§§ 32.1-351(D), 32.1-351(2), and 32.1-351(3)).

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children) totaled \$19,061.35. Under the new rules, the total DMAS payments would be \$25,400 for the same 254 months of coverage. Note that even though the recipients would no longer be reimbursed for wrap-around services and copayments, the amount of assistance they get from DMAS would be \$24.95 higher per month per child or \$6,338.65 higher for 254 months of coverage.

While the average payment for the coverage will increase, current participants will forego the coverage for wrap-around services and the reimbursements for the copayments that would normally be covered under ESHI. Based on averages, it would economically make sense for a current participant to stay in the premium assistance program and move to FAMIS Select if the monthly value of expected reimbursements for copays and wrap-around services is less than \$24.95. According to 2003 data, average monthly payment for wrap-around services and for copays was about \$7.50. This suggests that most recipients would be better off under the FAMIS Select compared to ESHI. Thus, most ESHI participants are expected to switch to FAMIS Select.² However, it cannot be ruled out that some families, particularly those with high expected copays and wrap-around services, could actually be worse off under FAMIS Select and therefore should not be expected to continue to participate in the premium assistance program.

The participation decision for the potential FAMIS Select enrollees will be made slightly different. A \$100 flat monthly assistance amount per child for a family may actually help a family reduce its out-of-pocket insurance premium costs or help obtain coverage perhaps for additional family members. For example, adding two FAMIS children to the employer-sponsored insurance policy may increase monthly premiums by only \$150 and save the family \$50 per month. In addition to the out-of-pocket premium savings, the potential enrollees must also take into account the value of wrap-around services that will be lost under FAMIS Select and copays differences between FAMIS Select and FAMIS. As long as the perceived value of FAMIS select exceeds additional benefits and low copayments provided under FAMIS for the family as a whole, it makes sense for a family to enroll in FAMIS Select.

Although the decision rule is relatively simple, it is probably quite difficult for a family to accurately value the benefits that will be forgone. An accurate valuation requires the family to know at the least what services will not be covered, the frequency of the doctor visits for such services, the out-of-pocket costs of those services, and any copayments that will not be covered. Most of these variables will not be known with certainty at the time a family makes a decision to enroll in FAMIS Select. While a family is probably best situated to assess the probability of some of these events occurring and to access the needed information, there will always be a chance for families to underestimate the value of forgone benefits and enroll in FAMIS Select when they should not. The fact that participation in FAMIS Select is voluntary and an enrollee could always drop off and go back to FAMIS should mitigate the potential adverse impact on some families. However, it may be worthwhile to add a requirement in the regulations that the potential enrollees be clearly informed that

they will not get any additional FAMIS benefits and they will have to pay the out-of-pocket expenses associated with their employer's plan in order to ensure that they are fully aware of the consequences.

The fact that the monthly assistance amount may be less than the average cost of providing services through FAMIS could make more families worse off. For example, in 2003 average monthly medical costs for a child under FAMIS was \$135.37 that includes all of the services, some of which could be wrap-around services for some of the enrollees. Disregarding the administrative expenses, the monthly assistance amount must be less than or equal to \$135.37. However, the current monthly premium assistance is \$100, clearly not enough to pay for the same services under FAMIS. The difference of \$35.37 or the services that could be purchased by that amount may be absorbed by the employer-sponsored insurance company or the enrollee. In other words, if the assistance amount is set too low and the applicants are not well informed about the loss of coverage for some services, the potential negative effect on applicants could be elevated.

However, setting the assistance amount exactly equal to the average cost of the FAMIS program could also create unintended effects. The voluntary nature of the participation and the fact that applicants who are likely to reduce their out-of-pocket insurance expenses are most likely to enroll could result in a movement of recipients with less intensive healthcare needs from FAMIS to FAMIS Select. If realized, such a movement could not only artificially increase the average cost per recipient in FAMIS, but also consistently overstate the monthly assistance amount for FAMIS Select participants.

Even though the actual likelihood of any of these two potential adverse effects occurring is not known, the long-term trends should be closely monitored to prevent significant underpayment or overpayment to FAMIS Select enrollees.

The main immediate economic effect of the new program rules on DMAS is to reduce the average administrative costs of this program. Under ESHI, the eligibility for the program depended on the amount of employer contributions, the premium assistance amount was calculated on a case-by-case basis, and the type of wrap-around services was determined by comparing the employer-sponsored insurance to the coverage provided under FAMIS. Thus, the administration of the program required collecting significant amounts of data and processing that information to determine eligibility and the assistance amounts. The new simplified program is expected to reduce average administrative costs. However, the total administrative costs could increase if the simplified program causes a significant increase in enrollment. In addition, not all reduction in DMAS's administrative costs should be viewed as net savings to the Commonwealth. Even though DMAS would not have to incur these administrative costs, potential enrollees will have to make cost comparisons very much the same way DMAS was doing in order to make a decision. However, this is not to say that it would probably be less costly for a potential enrollee to access and collect information that otherwise DMAS would have to under ESHI.

The fiscal effect of the new program on DMAS will depend on whether simplified rules would create a significant increase in

² As of July 2005, no ESHI children chose to move to FAMIS.

enrollment and on the value of wrap-around services that will no longer be covered. As discussed earlier, in 2003, the average monthly medical cost per child was \$135.37 in FAMIS and \$75.05 in ESHI. Thus, for each child enrolled in ESHI the monthly medical expenditures were reduced by \$60.32. Under the new FAMIS Select, monthly savings in medical expenditures per child is about \$35.37. Assuming both FAMIS and FAMIS Select have the same coverage (i.e. there is no service to wrap around) and if the enrollment does not change, a certain amount of reduction in savings would be expected. For example, without the enrollment increase, the total savings from 254 months of coverage would decrease to \$9,492 from \$15,321, or a net fiscal loss of \$5,829. If the enrollment under FAMIS Select increases more than 165 months of coverage, then the net fiscal impact would be positive. Also, FAMIS would likely to cover some additional services that would not be covered by employer-sponsored health insurance. The more valuable the additional services covered under FAMIS are, the greater are the expected savings to DMAS from FAMIS Select.

In addition to specific effects on the current enrollees, potential enrollees, and state, the employee-sponsored health insurance model could have some overall effects on the Commonwealth as a whole. The ESHI component of FAMIS and now FAMIS Select have been a part of an experiment in trying to get private health insurance involved in providing health coverage to individuals that would otherwise be covered by public funds only. It represents an alternative way of providing FAMIS benefits. At the least, the experiment with ESHI showed that simplicity in administration was essential. It provided ideas about a better design to accomplish bringing together private and public resources to provide coverage to the poor. Considering employer-sponsored insurance coverage is one of the largest sources of insurance for children nationwide³, this innovative model may have the potential to yield some tangible synergies in the future.

Businesses and entities affected. The proposed regulations apply to FAMIS enrollees who are interested in participating in the employer-sponsored insurance component, FAMIS Select. The expected enrollment in FAMIS Select is 100 in federal fiscal year 2005, 400 in 2006, and 800 in 2007.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth.

Projected impact on employment. The proposed regulations are unlikely to have a significant impact on employment.

Effects on the use and value of private property. The proposed regulations are unlikely to have a significant effect on the use and value of private property.

Small businesses: costs and other effects. The monthly flat insurance premium assistance amount may enable some families obtain coverage for additional family members through employer-sponsored health plans and provide incentives to uninsured employees to purchase coverage through the employer's plan. Higher insurance costs for

additional enrollment may increase employer's share of contributions.

Small businesses: alternative method that minimizes adverse impact. There is no known alternative method to minimize potential increase in employer's share of health insurance contributions.

Legal mandate. 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has reviewed the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Family Access to Medical Insurance Security Plan: FAMIS Select (12 VAC 30-141-10 to 12 VAC 30-141-175). The agency raises no issues with the analysis prepared by the Department of Planning and Budget.

Summary:

Pursuant to Chapters 584 and 951 (Item 324 L) of the 2005 Acts of Assembly, the proposed regulations contain a number of simplifying amendments to the Employer-Sponsored Health Insurance (ESHI) component of the Family Access to Medical Insurance Security (FAMIS) plan. The major modifications include (i) providing a flat monthly premium assistance amount per child as opposed to calculating premium assistance amounts and determining cost effectiveness on a case-by-case basis, (ii) no longer restricting eligibility based on employer's contribution to the cost of the coverage, (ii) no longer reimbursing copayments that may be required by the employers' health plan, and (iv) no longer providing wrap-around services for the services that are not covered in the employer's plan.

The intent of the proposed changes is to simplify the administration of the premium assistance program and consequently increase enrollment. The proposed changes

³ Enrolling Uninsured Low-Income Children in Medicaid and Chip, 2002, Kaiser Commission on Medicaid and the Uninsured.

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have been in effect since August 1, 2005, under emergency regulations.

12 VAC 30-141-10. Definitions.

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

"Act" means the Social Security Act.

"Adult caretaker relative" or "caretaker relative" means an individual who is age 18 or older, who is not the parent of, but who is related to, the child by blood or marriage, and who lives with and assumes responsibility for day-to-day care of the child in a place of residence maintained as his or their own home.

"Adverse action" means the denial of eligibility; failure to make a timely determination of eligibility; suspension or termination of enrollment; or delay, denial, reduction, suspension, or termination of health services, in whole or in part; provided, however, that determination of eligibility to participate in and termination of participation in the ~~employer-sponsored health insurance coverage (ESH) FAMIS Select~~ program shall not constitute an adverse action.

"Agency" means a local department of social services, the central processing unit, or other entity designated by DMAS to make eligibility determinations for FAMIS.

"Agency error" means a person or persons received benefits to which they were not entitled as a result of an error on the part of an eligibility worker at a local department of social services or the central processing unit.

"Agent" means an individual designated in writing to act on behalf of a FAMIS Plan applicant or enrollee during the administrative review process.

"Applicant" means a child who has filed an application (or who has an application filed on his behalf) for child health insurance and is awaiting a determination of eligibility. A child is an applicant until his eligibility has been determined.

"Authorized representative" means a person who is authorized to conduct the personal or financial affairs for an individual who is 18 years of age or older.

"Board" or "BMAS" means that policy board created by § 32.1-324 of the Code of Virginia to administer the plans established by the Social Security Act.

"CMSIP" means that original child health insurance program that preceded FAMIS.

"Central processing unit" or "CPU" means the private contractor that will determine eligibility for and administer part of the Family Access to Medical Insurance Security Plan or FAMIS.

"Child" means an individual under the age of 19 years.

~~"Child health insurance application" means the form or forms developed and approved by the Department of Medical Assistance Services that is used by local departments of social services and the FAMIS CPU for determining eligibility~~

~~for Medicaid for poverty level children and for the Family Access to Medical Insurance Security Plan (FAMIS).~~

"Competent individual" means a person who has not been judged by a court to be legally incapacitated.

"Comprehensive health insurance coverage" means health benefits coverage, which includes the following categories of services at a minimum: inpatient and outpatient hospital services; physician's surgical and medical services; and laboratory and radiological services.

"Conservator" means a person appointed by a court of competent jurisdiction to manage the estate and financial affairs of an incapacitated individual.

"Continuation of enrollment" means ensuring an enrollee's benefits are continued until completion of the review process, with the condition that should the enrollee not prevail in the review process, the enrollee shall be liable for the repayment of all benefits received during the review process.

"Director" means the individual, or his designee, specified in § 32.1-324 of the Code of Virginia with all of the attendant duties and responsibilities to administer the State Plan for Medical Assistance and the State Plan for FAMIS.

"DMAS" or "department" means the Department of Medical Assistance Services.

~~"Employer-sponsored health insurance coverage" or "ESH" means comprehensive employer-sponsored health insurance offered by an employer. This component of FAMIS refers to the ability of DMAS to provide coverage to FAMIS children by providing premium assistance to families who enroll the FAMIS children in their employer's health plan.~~

"Enrollee" means a child who has been determined eligible to participate in FAMIS and is enrolled in the FAMIS program.

"External Quality Review Organization" means the independent contractor assigned by DMAS to handle quality reviews and to conduct final review of MCHIP adverse actions for FAMIS.

"Family" means parents, including adoptive and stepparents, and their children under the age of 19, who are living in the same household. Family shall not mean grandparents, other relatives, or legal guardians.

"Family," when used in the context of the ~~ESH FAMIS Select~~ component, means a unit or group that has access to an employer's group health plan. Thus, it includes the employee and any dependents who can be covered under the employer's plan.

"Family income" means the total income of all family members in a household. Income includes, but is not necessarily limited to, before-tax earnings from a job, including cash, wages, salary, commissions, tips, self-employment net profits, Social Security, Retirement Survivor Disability Insurance (RSDI), veterans benefits, Railroad Retirement, disability workers' compensation, unemployment benefits, child support, alimony, spousal support, pensions, retirement benefits, settlement benefits, rental income, and lottery/bingo winnings. Income excludes public assistance program benefits such as SSI and TANF payments, foster care payments, general relief, loans,

grants, or scholarships for educational expenses or earned income of a child who is a student.

"FAMIS" means the Family Access to Medical Insurance Security Plan.

"FAMIS Select" means an optional program available to children determined eligible for FAMIS, whereby DMAS provides premium assistance to the family to cover the child through a private or employer-sponsored health plan instead of directly through the FAMIS program.

"Federal poverty level" or "FPL" means that income standard as published annually by the U.S. Department of Health and Human Services in the Federal Register.

"Fee-for-service" means the traditional Medicaid health care delivery and payment system in which physicians and other providers receive a payment for each unit of service they provide.

"Fixed premium assistance amount" means a predetermined amount of premium assistance that DMAS will pay per child to a family who chooses to enroll its FAMIS eligible child in a private or employer-sponsored health plan. The fixed premium assistance amount will be determined annually by DMAS to ensure that the FAMIS Select program is cost-effective as compared to the cost of covering a child directly through the FAMIS program.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable federal or state laws.

"Group health plan" or "health insurance coverage" means that health care coverage as defined in § 2791 of the Public Health Services Act (42 USC § 300gg-91(a) and (b)(1).

"Guardian" means a person appointed by a court of competent jurisdiction to be responsible for the affairs of an incapacitated individual, including responsibility for making decisions regarding the person's support, care, health, safety, habilitation, education, and therapeutic treatment, and if not inconsistent with an order of commitment, residence.

"Incapacitated individual" means a person who, pursuant to an order of a court of competent jurisdiction, has been found to be incapable of receiving and evaluating information effectively or responding to people, events, or environments to such an extent that the individual lacks the capacity to (i) meet the essential requirements of his health, care, safety, or therapeutic needs without the assistance or protection of a guardian, or (ii) manage property or financial affairs or provide for his support or for the support of his legal dependents without the assistance or protection of a conservator.

"Legally emancipated" means that the parents and child have gone through the court and a judge has declared that the parents have surrendered the right to care, custody, and earnings of the child and have renounced parental duties. A married minor is not emancipated unless a court has declared the married minor emancipated from his parents.

"LDSS" or "local department" means the local department of social services.

"Managed care health insurance plan" or "MCHIP" as defined in § 32.1-137.1 of the Code of Virginia means an arrangement for the delivery of health care in which a health carrier means under contract with DMAS for Title XXI delivery systems, undertakes to provide, arrange and pay for, or reimburse any of the costs of health care services for a covered person on a prepaid or insured basis, which contains one or more incentive arrangements, including any credential requirements intended to influence the cost of the health care services between the health carrier and one or more providers and requires or creates benefit payment differential incentives for covered persons to use providers that are directly or indirectly managed, owned, under contract with or employed by the health carrier.

"Maternal and child health insurance application" means the form or forms developed and approved by the Department of Medical Assistance Services that are used by local departments of social services and the FAMIS CPU for determining eligibility for Medicaid for poverty-level children and for the Family Access to Medical Insurance Security Plan (FAMIS).

"Member of a family," for purposes of determining whether the child is eligible for coverage under a state employee health insurance plan, means a parent or parents, including stepparents with whom the child is living if the stepparent claims the child as a dependent on the employee's federal tax return.

"Premium assistance" means the portion of the family's cost of participating in ~~the a private~~ employer's health plan that DMAS will pay ~~to the family~~ to cover the FAMIS-eligible children under the *private or employer-sponsored* plan if DMAS determines it is cost effective to do so.

"Primary care case management (PCCM)" means a system under which a physician acting as a primary care case manager furnishes case management services to FAMIS enrollees pursuant to a contract with DMAS.

"Primary care provider" or "PCP" means a physician enrolled in the PCCM program as a primary case manager.

"Private or employer-sponsored health insurance coverage means a health insurance policy that is either purchased by an individual directly or through an employer. This component of FAMIS refers to the ability of DMAS to provide coverage to FAMIS-eligible children by providing premium assistance to families who enroll the FAMIS-eligible children in a private or employer-sponsored health plan.

"Provider" means the individual, facility or other entity registered, licensed, or certified, as appropriate, and enrolled by an MCHIP, a PCCM, or in fee-for-service to render services to FAMIS enrollees eligible for services.

"Supplemental coverage" means ~~additional~~ coverage provided to FAMIS-eligible children covered under the ~~ESH~~ FAMIS Select component so that they can receive all of ~~the childhood immunizations included in~~ FAMIS benefits ~~and they are not required to pay any more cost sharing than they would have under FAMIS.~~

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"Title XXI" means the federal State Children's Health Insurance Program as established by Subtitle J of the Balanced Budget Act of 1997.

"Virginia State Employee Health Insurance Plan" means a health insurance plan offered by the Commonwealth of Virginia to its employees and includes the Local Choice Program whereby local governmental entities elect to provide local employees' enrollment in the State Employee Health Insurance Plan.

12 VAC 30-141-40. Review of adverse actions.

A. Upon written request, all FAMIS Plan applicants and enrollees shall have the right to a review of an adverse action made by the MCHIP, local department of social services, CPU or DMAS.

B. During review of a suspension or termination of enrollment or a reduction, suspension, or termination of services, the enrollee shall have the right to continuation of coverage if the enrollee requests review prior to the effective date of the suspension or termination of enrollment or suspension, reduction, or termination of services.

C. Review of an adverse action made by the local department of social services, CPU or DMAS shall be heard and decided by an agent of DMAS who has not been directly involved in the adverse action under review.

D. Review of an adverse action made by the MCHIP must be conducted by a person or agent of the MCHIP who has not been directly involved in the adverse action under review.

E. After final review by the MCHIP, there shall also be opportunity for final independent external review by the external quality review organization.

F. There will be no opportunity for review of an adverse action to the extent that such adverse action is based on a determination by the director that funding for FAMIS has been terminated or exhausted. There will be no opportunity for review based on which type of delivery system (i.e., fee-for-service, MCHIP) is assigned. There will be no opportunity for review if the sole basis for the adverse action is a state or federal law or regulation requiring an automatic change that affects all applicants or enrollees or a group of applicants or enrollees without regard to their individual circumstances.

G. The burden of proof shall be upon the applicant or enrollee to show that an adverse action is incorrect.

H. At no time shall the MCHIP's, local department's of social services, the CPU's, or DMAS' failure to meet the time frames set in this chapter or set in the MCHIP's or DMAS' written review procedures constitute a basis for granting the applicant or enrollee the relief sought.

I. Adverse actions related to health benefits covered ~~under an employer sponsored health insurance (ESH) plan~~ through the *FAMIS Select program* shall be resolved between the *insurance company or employer's plan* and the ~~ESH~~ *FAMIS Select* enrollee, and are not subject to further review by DMAS or its contractors. Adverse actions made by an MCHIP, the local department of social services, the CPU, or DMAS shall

be subject to the review process set forth in Part II (12 VAC 30-141-40 et seq.) of this chapter.

12 VAC 30-141-100. Eligibility requirements.

A. This section shall be used to determine eligibility of children for FAMIS.

B. FAMIS shall be in effect statewide.

C. Eligible children must:

1. Be determined ineligible for Medicaid by a local department of social services or be screened by the FAMIS central processing unit and determined not Medicaid likely;

2. Be under 19 years of age;

3. Be residents of the Commonwealth;

4. Be either U.S. citizens, U.S. nationals or qualified noncitizens;

5. Be uninsured, that is, not have comprehensive health insurance coverage;

6. Not be a member of a family eligible for subsidized dependent coverage, as defined in 42 CFR 457.310(c)(1)(ii) under any Virginia state employee health insurance plan on the basis of the family member's employment with a state agency;

7. Not be a member of a family eligible for subsidized dependent coverage, as defined in 42 CFR 457.310(c)(1)(ii), on the basis of a family member's employment with an agency that participates in the local choice program;

8. Not be an inpatient in an institution for mental diseases (IMD), or an inmate in a public institution that is not a medical facility.

D. Income.

1. Screening. All child health insurance applications received at the FAMIS central processing unit must be screened to identify applicants who are potentially eligible for Medicaid. Children screened and found potentially eligible for Medicaid cannot be enrolled in FAMIS until there has been a finding of ineligibility for Medicaid. Children who do not appear to be eligible for Medicaid shall have their eligibility for FAMIS determined. Children determined to be eligible for FAMIS will be enrolled in the FAMIS program. Child health insurance applications received at a local department of social services shall have a full Medicaid eligibility determination completed. Children determined to be ineligible for Medicaid due to excess income will have their eligibility for FAMIS determined. If a child is found to be eligible for FAMIS, the local department of social services will enroll the child in the FAMIS program.

2. Standards. Income standards for FAMIS are based on a comparison of countable income to 200% of the federal poverty level for the family size, as defined in the State Plan for Title XXI as approved by the Centers for Medicare & Medicaid. Children who have income at or below 200% of the federal poverty level, but are ineligible for Medicaid due

to excess income, will be income eligible to participate in FAMIS.

3. Grandfathered CMSIP children. Children who were enrolled in the Children's Medical Security Insurance Plan at the time of conversion from CMSIP to FAMIS and whose eligibility determination was based on the requirements of CMSIP shall continue to have their income eligibility determined using the CMSIP income methodology. If their income exceeds the FAMIS standard, income eligibility will be based on countable income using the same income methodologies applied under the Virginia State Plan for Medical Assistance for children as set forth in 12 VAC 30-40-90. Income that would be excluded when determining Medicaid eligibility will be excluded when determining countable income for the former CMSIP children. Use of the Medicaid income methodologies shall only be applied in determining the financial eligibility of former CMSIP children for FAMIS and for only as long as the children meet the income eligibility requirements for CMSIP. When a former CMSIP child is determined to be ineligible for FAMIS, these former CMSIP income methodologies shall no longer apply and income eligibility will be based on the FAMIS income standards.

4. Spenddown. Deduction of incurred medical expenses from countable income (spenddown) shall not apply in FAMIS. If the family income exceeds the income limits described in this section, the individual shall be ineligible for FAMIS regardless of the amount of any incurred medical expenses.

E. Residency. The requirements for residency, as set forth in 42 CFR 435.403, will be used when determining whether a child is a resident of Virginia for purposes of eligibility for FAMIS. A child who is not emancipated and is temporarily living away from home is considered living with his parents, adult relative caretaker, legal guardian, or person having legal custody if the absence is temporary and the child intends to return to the home when the purpose of the absence (such as education, medical care, rehabilitation, vacation, visit) is completed.

F. Qualified noncitizen. The requirements for qualified aliens set out in Public Law 104-193, as amended, and the requirements for noncitizens set out in subdivisions 3 b and c of 12 VAC 30-40-10 will be used when determining whether a child is a qualified noncitizen for purposes of FAMIS eligibility.

G. Coverage under other health plans.

1. Any child covered under a group health plan or under health insurance coverage, as defined in § 2791 of the Public Health Services Act (42 USC § 300gg-91(a) and (b)(1)), shall not be eligible for FAMIS.

2. No substitution for private insurance.

a. Only uninsured children shall be eligible for FAMIS. A child is not considered to be insured if the health insurance plan covering the child does not have a network of providers in the area where the child resides. Each application for child health insurance shall include an inquiry about health insurance the child currently has or had within the past four months. If the child had health

insurance coverage that was terminated in the past four months, inquiry as to why the health insurance was terminated is made. Each redetermination of eligibility shall also document inquiry about current health insurance or health insurance the child had within the past four months. If the child has been covered under a health insurance plan other than through the ~~ESH~~ *FAMIS Select* component of FAMIS within four months of application for or receipt of FAMIS services, the child will be ineligible, unless the child, if age 18 or if under the age of 18, the child's parent, caretaker relative, guardian, legal custodian or authorized representative demonstrates good cause for discontinuing the coverage.

b. Health insurance does not include *Medicare*, Medicaid nor insurance for which DMAS paid premiums under Title XIX through the Health Insurance Premium Payment (HIPP) Program.

c. Good cause. A child shall not be ineligible for FAMIS if health insurance was discontinued within the four-month period prior to the month of application if one of the following good cause exceptions is met.

(1) The family member who carried insurance, changed jobs, or stopped employment, and no other family member's employer contributes to the cost of family health insurance coverage.

(2) The employer stopped contributing to the cost of family coverage and no other family member's employer contributes to the cost of family health insurance coverage.

(3) The child's coverage was discontinued by an insurance company for reasons of uninsurability, e.g., the child has used up lifetime benefits or the child's coverage was discontinued for reasons unrelated to payment of premiums.

(4) Insurance was discontinued by a family member who was paying the full cost of the insurance premium under a COBRA policy and no other family member's employer contributes to the cost of family health insurance coverage.

(5) Insurance on the child was discontinued by someone other than the child (if 18 years of age) or if under age 18, the child's parent or stepparent living in the home, e.g., the insurance was discontinued by the child's absent parent, grandparent, aunt, uncle, godmother, etc.

(6) Insurance on the child was discontinued because the cost of the premium exceeded 10% of the family's monthly income or exceeded 10% of the family's monthly income at the time the insurance was discontinued.

(7) Other good cause reasons may be established by the DMAS director.

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12 VAC 30-141-160. Copayments for families not participating in employer-sponsored health insurance (ESHI) FAMIS Select.

A. Copayments shall apply to all enrollees in an MCHIP.

B. These cost-sharing provisions shall be implemented with the following restrictions:

1. Total cost sharing for each 12-month eligibility period shall be limited to (i) for families with incomes equal to or less than 150% of FPL, the lesser of (a) \$180 and (b) 2.5% of the family's income for the year (or 12-month eligibility period); and (ii) for families with incomes greater than 150% of FPL, the lesser of \$350 and 5.0% of the family's income for the year (or 12-month eligibility period).
2. DMAS or its designee shall ensure that the annual aggregate cost sharing for all FAMIS enrollees in a family does not exceed the aforementioned caps.
3. Families will be required to submit documentation to DMAS or its designee showing that their maximum copayment amounts are met for the year.
4. Once the cap is met, DMAS or its designee will issue a new eligibility card excluding such families from paying additional copays.

C. Exceptions to the above cost-sharing provisions:

1. Copayments shall not be required for well-child, *and* well baby services, ~~and for families participating in ESHI~~. This shall include:
 - a. All healthy newborn inpatient physician visits, including routine screening (inpatient or outpatient);
 - b. Routine physical examinations, laboratory tests, immunizations, and related office visits;
 - c. Routine preventive and diagnostic dental services (i.e., oral examinations, prophylaxis and topical fluoride applications, sealants, and x-rays); and
 - d. Other preventive services as defined by the department.
2. Enrollees are not held liable for any additional costs, beyond the standard copayment amount, for emergency services furnished outside of the individual's managed care network. Only one copayment charge will be imposed for a single office visit.
3. No cost sharing will be charged to American Indians and Alaska Natives.

12 VAC 30-141-170. Employer-sponsored health insurance (ESHI). (Repealed.)

~~A. Enrollees in FAMIS who have access to employer sponsored health insurance coverage may, but shall not be required to, enroll in an employer's health plan if DMAS or its designee determines that such enrollment is cost-effective, as defined in this section.~~

~~B. Eligibility determination. FAMIS children who have access to health insurance coverage under an employer-sponsored plan may elect to receive coverage under the employer plan~~

~~and DMAS may elect to provide coverage by paying a portion of the premium if all of the following conditions are met:~~

- ~~1. The children are enrolled in FAMIS;~~
- ~~2. The employer's plan provides comprehensive health insurance coverage;~~
- ~~3. The employer contributes to the cost of dependent or family coverage as defined in the Virginia Plan for Title XXI of the Social Security Act, or as otherwise approved by the Centers for Medicare & Medicaid Services in the U.S. Department of Health and Human Services;~~
- ~~4. The cost of coverage for the child or children under ESHI is equal to or less than the Commonwealth's cost of obtaining coverage under FAMIS only for the eligible targeted low-income children involved. The cost effectiveness determination methodology is described in subsection F of this section;~~
- ~~5. The family receives the full premium contribution from the employer; and~~
- ~~6. The applicant agrees to assign rights to benefits under the employer's plan to DMAS to assist the Commonwealth in pursuing these third party payments. When a child is provided coverage under an employer's plan, that plan becomes the primary payer for the services covered under that plan.~~

~~C. When more than one employer plan is available to the family, the family shall enroll in the plan that DMAS has determined to be the most cost effective for the Commonwealth.~~

~~D. DMAS will continually verify the child's or children's coverage under the employer's plan and will redetermine the eligibility of the child or children for the ESHI component when it receives information concerning an applicant's or enrollee's circumstances that may affect eligibility.~~

~~E. Application requirements.~~

~~1. DMAS shall furnish the following information in written form and orally, as appropriate, to the families of FAMIS children who have access to ESHI:~~

- ~~a. The eligibility requirements;~~
- ~~b. Summary of covered benefits and supplementation of employer benefits;~~
- ~~c. Cost sharing requirements; and~~
- ~~d. The rights and responsibilities of applicants and enrollees.~~

~~2. DMAS may elect to provide health insurance coverage to FAMIS children by having FAMIS children and their families enroll in ESHI. DMAS will provide interested families with applications for ESHI.~~

~~3. A written application for the ESHI component shall be required from interested families.~~

~~4. DMAS shall determine eligibility for the ESHI component promptly, within 45 calendar days from the date of receiving an application which contains all information and~~

verifications necessary to determine eligibility, except in unusual circumstances beyond the agency's control. Actual enrollment into the ESHI component may not occur for extended periods of time, depending on the ability of the family to enroll in the employer's plan.

5. Incomplete ESHI applications shall be held for a period of 30 calendar days to enable applicants to provide outstanding information needed for an ESHI eligibility determination. Any applicant who, within 30 calendar days of the receipt of the initial application, fails to provide information or verifications necessary to determine, ESHI eligibility shall have his application denied.

6. DMAS must send each applicant a written notice of the agency's decision on his application for ESHI, and, if approved, his obligations under the program. If eligibility is denied, notice will be given concerning the reasons for the denial.

F. Cost effectiveness. DMAS may elect to provide coverage to FAMIS children by paying a portion of the family's employer sponsored health insurance premium if the cost of family coverage under ESHI is equal to or less than the Commonwealth's cost of obtaining coverage under FAMIS only for the eligible, targeted, low income child or children involved. To the extent readily determinable by DMAS from the employer's plan documents, the portion of the premium associated with covering the FAMIS child only under the employer's plan will be used in determining the cost effectiveness. If DMAS is not able to fully isolate the cost of covering only the FAMIS child, premium assistance may result in the coverage of an adult or other relative/dependant; however, this coverage shall be solely incidental to covering the FAMIS child. The cost effectiveness determination will be conducted for individual families on a case by case basis.

1. To determine whether it is cost effective to cover the family, DMAS will compare the following two amounts:

(a) The sum of the premium assistance amount, plus the cost of supplemental coverage, plus the administrative cost; and

(b) The cost of covering the FAMIS child or children under FAMIS. The cost will be determined by using the capitated payment rate paid to MCHIPs, or an average cost amount developed by DMAS.

2. If (a) is less than or equal to (b), covering the child or children under the ESHI component is cost effective.

G. Enrollment and disenrollment.

1. FAMIS children with access to employer sponsored health insurance will receive coverage under FAMIS until their eligibility for coverage under the ESHI component is established and until they are able to enroll in the employer sponsored health plan.

2. The timing and procedures employed to transfer FAMIS children's coverage to the ESHI component will be coordinated between DMAS and the CPU to ensure continuation of health plan coverage.

3. Participation by families in the ESHI component shall be voluntary. Families may disenroll their child or children from the ESHI component as long as the proper timing and procedures established by DMAS are followed to ensure continued health coverage.

H. Premium assistance. When a child is determined eligible for coverage under the ESHI component, premium assistance payments shall become effective the month in which the FAMIS child or children are enrolled in the employer's plan. Payment of premium assistance shall end:

1. On the last day of the month in which FAMIS eligibility ends;

2. The last day of the month in which the child or children lose eligibility for coverage under the employer's plan;

3. The last day of the month in which the family notifies DMAS that they wish to disenroll their child or children from the ESHI component; or

4. The last day of the month in which adequate notice period expires (consistent with federal requirements) when DMAS has determined that the employer's plan is no longer cost effective.

I. Supplemental health benefits coverage will be provided to ensure that FAMIS children enrolled in the ESHI component receive all of the FAMIS benefits. FAMIS children can obtain these supplemental benefits through DMAS providers.

J. Cost sharing. ESHI families will not be responsible for copayments for FAMIS Title XXI benefits. DMAS will instruct providers to submit billings to DMAS or its designee for payment of applicable copayments. In situations where the provider under the ESHI component refuses to bill DMAS for the copayment amount, DMAS will reimburse the enrollee directly.

1. FAMIS children will have to pay copayments for any services covered under the employer's plan that are not FAMIS benefits. The cost sharing paid by families for these benefits do not count towards the cost sharing cap.

2. ESHI families will pay deductibles, coinsurance, and enrollment fee amounts under their employers' plans up to the cost sharing caps allowed for nonESH I FAMIS families (\$180 annually for those equal to or less than 150% FPL and \$350 annually for those over 150% FPL). After the family has reached its cost sharing cap, DMAS will reimburse the family for any additional deductibles or coinsurance they incur for the FAMIS-enrolled children in the family for FAMIS Title XXI benefits received. Families will need to track their deductibles and coinsurance. Once the cost sharing cap is reached for a family, that family will submit explanation of benefits forms, or other forms approved by DMAS, for reimbursement each time the family incurs a deductible or coinsurance amount for a FAMIS child for a FAMIS Title XXI benefit.

12 VAC 30-141-175. FAMIS Select.

A. Enrollees in FAMIS may, but shall not be required to, enroll in a private or employer-sponsored health plan if DMAS or its

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designee determines that such enrollment is cost effective, as defined in this section.

B. Eligibility determination. FAMIS children may elect to receive coverage under a health plan purchased privately or through an employer and DMAS may elect to provide coverage by paying all or a portion of the premium if all of the following conditions are met:

1. The children are determined to be eligible for FAMIS;
2. The cost of coverage for the child or children under FAMIS Select is equal to or less than the Commonwealth's cost of obtaining coverage under FAMIS only for the eligible targeted low-income children involved. The cost-effectiveness determination methodology is described in subsection E of this section;
3. The policyholder agrees to assign rights to benefits under the private or employer's plan to DMAS to assist the Commonwealth in pursuing these third-party payments for childhood immunizations. When a child is provided coverage under a private or employer's plan, that plan becomes the payer for all other services covered under that plan; and
4. The policyholder is not under a court order to provide medical support for the applicant child.

C. DMAS will continually verify the child's or children's coverage under the private or employer's plan and will redetermine the eligibility of the child or children for the FAMIS Select component when it receives information concerning an applicant's or enrollee's circumstances that may affect eligibility.

D. Application requirements.

1. DMAS shall furnish the following information in written form and orally, as appropriate, to the families of FAMIS children who have indicated an interest in FAMIS Select:
 - a. The eligibility requirements for FAMIS Select;
 - b. A description of how the program operates, the amount of premium assistance available, and how children can move from FAMIS Select into FAMIS if requested;
 - c. A summary of the covered benefits and cost-sharing requirements available through FAMIS;
 - d. A guide to help families make an informed choice by comparing the FAMIS plan to their private or employer-sponsored health plan. Such guide shall include a notice to the effect that children covered by FAMIS Select will not receive FAMIS-covered services, but only those health services covered by their private or employer-sponsored health plan, and that the FAMIS Select enrollee shall be responsible for any and all costs associated with their chosen health plan;
 - e. Information on coverage for childhood immunizations through FAMIS; and
 - f. The rights and responsibilities of applicants and enrollees.

2. DMAS will provide interested families with applications for FAMIS Select.

3. A written application for the FAMIS Select component shall be required from interested families.

4. DMAS shall determine eligibility for the FAMIS Select component promptly, within 45 calendar days from the date of receiving an application that contains all information and verifications necessary to determine eligibility, except in unusual circumstances beyond the agency's control. Actual enrollment into the FAMIS Select component may not occur for extended periods of time, depending on the ability of the family to enroll in the employer's plan.

5. Incomplete FAMIS Select applications shall be held for a period of 30 calendar days to enable applicants to provide outstanding information needed for a FAMIS Select eligibility determination. Any applicant who, within 30 calendar days of the receipt of the initial application, fails to provide information or verifications necessary to determine FAMIS Select eligibility shall have his application denied.

6. DMAS must send each applicant a written notice of the agency's decision on his application for FAMIS Select and, if approved, his obligations under the program. If eligibility is denied, notice will be given concerning the reasons for the denial.

E. Cost effectiveness. DMAS may elect to provide coverage to FAMIS children by paying all or a portion of the family's private or employer-sponsored health insurance premium if the cost of such premium assistance under FAMIS Select is equal to or less than the Commonwealth's cost of obtaining coverage under FAMIS only for the eligible, targeted, low-income child or children involved. Providing premium assistance for the FAMIS-eligible children may result in the coverage of an adult or other relative/dependent; however, this coverage shall be solely incidental to covering the FAMIS child.

1. To ensure that the FAMIS Select program remains cost effective, DMAS will establish a fixed premium assistance amount per child that will be paid to a family choosing to enroll their FAMIS-eligible child in FAMIS Select. The fixed premium assistance amount will be determined annually by:

- a. Determining the cost of covering a child under FAMIS. The cost will be determined by using the capitated payment rate paid to MCHIPs, or an average cost amount developed by DMAS;
- b. Determining the administrative costs associated with the FAMIS Select program; and
- c. Establishing a fixed premium assistance amount that includes administrative costs and is less than or equal to the cost of covering the FAMIS child or children under FAMIS.

DMAS will ensure that the total of the fixed premium assistance amounts for all the FAMIS-eligible children per family do not exceed the total cost of the family's health insurance premium payment for the private or employer-sponsored coverage. If the total fixed premium assistance amounts do exceed the family's premium payment, then the family premium assistance will be reduced by an amount

necessary to ensure the premium assistance payment is less than or equal to the family's premium payment.

F. Enrollment and disenrollment.

1. *FAMIS children applying for FAMIS Select will receive coverage under FAMIS until their eligibility for coverage under the FAMIS Select component is established and until they are able to enroll in the private or employer-sponsored health plan.*

2. *The timing and procedures employed to transfer FAMIS children's coverage to the FAMIS Select component will be coordinated between DMAS and the CPU to ensure continuation of health plan coverage.*

3. *Participation by families in the FAMIS Select component shall be voluntary. Families may disenroll their child or children from the FAMIS Select component as long as the proper timing and procedures established by DMAS are followed to ensure continued health coverage.*

G. Premium assistance. When a child is determined eligible for coverage under the FAMIS Select component, premium assistance payments shall become effective the month in which the FAMIS child or children are enrolled in the employer's plan. Payment of premium assistance shall end:

1. *On the last day of the month in which FAMIS eligibility ends;*

2. *The last day of the month in which the child or children lose eligibility for coverage under the private or employer's plan;*

3. *The last day of the month in which the family notifies DMAS that it wishes to disenroll its child or children from the FAMIS Select component; or*

4. *On the next business day following a request by the family to immediately transfer the child from FAMIS Select into the FAMIS program. The request must include notification that the child's private or employer-sponsored coverage has been terminated as of the date of transfer and an agreement by the family to return to DMAS the premium assistance payment prorated for that portion of the month in which the child was not enrolled in the private or employer-sponsored plan.*

H. Supplemental health benefits coverage will be provided to ensure that FAMIS children enrolled in the FAMIS Select component receive all childhood immunizations available under the FAMIS benefits. FAMIS children can obtain these supplemental benefits through Medicaid providers.

I. Cost sharing. FAMIS Select families will be responsible for all copayments, deductibles, coinsurance, fees, or other cost-sharing requirements of the private or employer-sponsored health plan in which they enroll their children. There is no Title XXI family cost-sharing cap applied to families with children enrolled in FAMIS Select.

There is no copayment required for the supplemental immunization benefits provided through FAMIS.

12 VAC 30-141-200. Benefit packages.

A. The Commonwealth's Title XXI State Plan utilizes two benefit packages within FAMIS as set forth in the FAMIS State Plan, as may be amended from time to time. One package is a modified Medicaid look-alike component offered through a fee-for-service program and a primary care case management (PCCM) program; the other package is modeled after the state employee health plan and delivered by contracted MCHIPs.

~~B. The Medicaid look-alike plan is also used as a benchmark for the ESHI of FAMIS.~~

VA.R. Doc. No. R05-259; Filed March 15, 2006, 9:19 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 regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-252. **Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-55 and 4 VAC 20-252-150).**

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

Effective Date: March 2, 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 increase the recreational quota and commercial harvest quota from 1,504,927 pounds of whole fish to 1,554,302 pounds of whole fish.

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

The total allowable level of all recreational harvest of striped bass for all open seasons and for all legal gear shall be ~~1,504,927~~ 1,554,302 pounds of whole fish. At such time as the total recreational harvest of striped bass is projected to reach ~~1,504,927~~ 1,554,302 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for recreational purposes.

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

A. The commercial harvest quota for the Chesapeake area shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the Chesapeake Bay and its tributaries and the Potomac River tributaries of Virginia for all open seasons and for all legal gear shall be ~~1,504,927~~ 1,554,302 pounds of whole fish. At such time as the total commercial harvest of striped bass from the Chesapeake area is projected to reach ~~1,504,927~~ 1,554,302 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the Chesapeake area.

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

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

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

VA.R. Doc. No. R06-208; Filed March 2, 2006, 2:48 p.m.



TITLE 11. GAMING

VIRGINIA RACING COMMISSION

REGISTRAR'S NOTICE: The Virginia Racing Commission is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 22 of the Code of Virginia, which exempts agency action relating to the types of pari-mutuel wagering pools available for live or simulcast horse racing.

Title of Regulation: 11 VAC 10-20. **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering (amending 11 VAC 10-20-260).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: March 7, 2006.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail david.lermond@vrc.virginia.gov.

Background:

At the request of the unlimited license holder Colonial Downs, the Virginia Racing Commission has decided to amend the minimum amount for multiple wagering from \$1.00 to \$.10. This action will allow Colonial Downs to offer a \$.10 superfecta wager on the live racing held at Colonial Downs. A superfecta is a wager in which the bettor has to pick the first four finishers of a given race. By lowering the minimum amount of this particular wager to \$.10, it allows the bettors to play more combinations for less money, which in turn increases the likelihood of having a winning wager. This change has been instituted in other states recently and has had positive results.

The only consideration is that the minimum payout in Virginia for any wager must be the amount of the wager plus a minimum profit of 5.0%. Since 5.0% of \$.10 is a half of a cent, the commission also decided to change the wording in the paragraph that deals with minimum payouts to ensure that the bettor in Virginia would at least receive a penny for each ten cent wager that is made in the unlikely instance that the profit on a \$.10 wager would not be at least \$.01.

Summary:

The amendment changes the minimum amount for multiple wagering from \$1.00 to 10¢ and provides that the minimum payout is the greater of 5.0% or \$.01.

11 VAC 10-20-260. Generally.

All permitted wagering shall be under a pari-mutuel wagering system whereby the holders of winning tickets divide the total amount wagered, less retainage, in proportion to the sums they have wagered individually. All other systems of wagering other than pari-mutuel, e.g., bookmaking and auction-pool selling, are prohibited and any person participating or attempting to participate in prohibited wagering shall be excluded from the enclosure or satellite facility.

A. Persons under the age of 18 are prohibited from wagering. No person under the age of 18 shall be permitted by any licensee to purchase or cash a pari-mutuel ticket. No employee of the licensee shall knowingly sell or cash any pari-mutuel ticket for a person under the age of 18.

B. Posted order of finish. Payment of valid pari-mutuel tickets shall be made on the basis of the order of finish as posted on the display devices and declared "official" by the stewards. Any subsequent change in the order of finish or award of purse money as may result from a ruling by the stewards or commission shall in no way affect the pari-mutuel payout.

C. Errors in payment. The licensee shall be responsible for the correctness of all payouts posted as "official" on the display devices. If an error is made in posting the payout figures on the display devices and discovered before any tickets are cashed, the error shall be corrected accompanied by a public address announcement, and only the correct amounts shall be used in the payout, irrespective of the initial error on the display devices.

1. The licensee shall compare the two independent final pool totals and payouts calculated by the totalizator prior to

posting them on the display devices. In the event of a discrepancy between the two sets of pool totals and payouts and the inability of the totalizator to determine which of the sets is correct, the highest pool total and payouts shall be used.

2. If an error is made in posting the payout figures on the display devices and discovered after tickets have been cashed, where the public is underpaid, the amount of the underpayment shall be added to the same pool immediately following. Where the public is overpaid, the amount of the overpayment shall be absorbed by the licensee.

3. If any underpayment is discovered after the close of the horse race meeting or an opportunity does not exist to add the amount of the underpayment to the same pool, the total underpayment shall be placed in an interest-bearing account and added to the same pool at the next race meeting of the same breed.

D. Minimum wagers. The minimum wager for straight wagering shall be \$2.00. The licensee may determine the minimum wager for multiple wagering, which shall be no less than ~~\$1.00~~ \$.10.

E. Minimum payouts. The licensee shall pay to the holder of any ticket entitling the holder to participate in the distribution of a pari-mutuel pool the amount wagered by the holder plus a minimum profit of 5.0% or \$.01, whichever is greater. If such a payout creates a deficiency in the pari-mutuel pool, the licensee shall make up the deficiency from its share of the pari-mutuel wagering.

The licensee, with the approval of the stewards, may bar wagering on a horse or entry in any or all pari-mutuel pools in a stakes race, handicap, futurity or other special event where the licensee has good and sufficient reason to believe that accepting wagers on the horse or entry may result in a deficiency or minus pool. The decision to bar wagering on a horse or entry shall be announced publicly before wagers are accepted on that race.

F. Posting of regulations. A general explanation of this chapter may be posted for the benefit of the public in the wagering areas of the enclosure and satellite facilities.

G. Identification of holder. The licensee shall require positive identification of a holder of a valid winning pari-mutuel ticket before the payment when, in the stewards' discretion, circumstances warrant this action.

H. Wagers placed in cash. The licensee shall only accept wagers placed in cash or vouchers and then only at the racetrack or satellite facilities. It shall be the responsibility of the licensee to instruct the mutuel clerks to accept wagers on a "cash only" basis.

VA.R. Doc. No. R06-209; Filed March 7, 2006, 11:32 a.m.



Final Regulations

TITLE 12. HEALTH

STATE BOARD OF HEALTH

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

Title of Regulation: 12 VAC 5-590. **Waterworks Regulations (amending 12 VAC 5-590-370, 12 VAC 5-590-400, 12 VAC 5-590-410, 12 VAC 5-590-440, 12 VAC 5-590-540, Appendices B and N).**

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

Effective Date: May 3, 2006.

Agency Contact: Tamara Metzfield, Regulatory Compliance Paralegal, Department of Health, 109 Governor Street, Room 632, Richmond, VA 23219, telephone (804) 864-7499, FAX (804) 864-7521 or e-mail tamara.metzfield@vdh.virginia.gov.

Summary:

The amendments make corrections to technical errors made by EPA during promulgation of various regulations and provide several technical changes to correct errors in federal regulations.

12 VAC 5-590-370. Sampling frequency.

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

A. Bacteriological.

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

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

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

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

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

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

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

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

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

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

TABLE 2.1.

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

41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390

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

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

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

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

b. The owner of any waterworks which uses a surface water source in whole or in part with 150 or more service connections shall take a minimum of one sample at each

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Reported concentrations from all previous monitoring;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Reduced monitoring.

(1) VOC.

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

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

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

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

(2) SOC.

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

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

e. Waiver application.

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

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

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

(1) Previous analytical results.

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

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

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

(5) Special factors.

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

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

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

g. Condition for waivers.

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

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

(3) There are no conditions to SOC waivers.

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

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

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

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

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

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

(5) Subsequent monitoring due to contaminant detection.

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

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

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

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

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

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

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

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

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

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

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

(2) Measurement under this section of daily chlorite samples at the entry point to the distribution system, disinfection residuals (free chlorine, combined chlorine, total chlorine and chlorine dioxide), alkalinity, bromide, TOC, SUVA (DOC and UV sub254), and pH must be made by a party approved by the commissioner.

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

c. Failure to monitor in accordance with the monitoring plan required under subdivision B 3 j of this section is a monitoring violation. Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the waterworks' failure to monitor makes it impossible to determine compliance with PMCLs or MRDLs.

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

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

(1) Routine monitoring requirements.

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

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

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

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

(e) Waterworks using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons must collect one sample per year per treatment plant during the month of warmest water temperature. The sample location must represent maximum residence time in the distribution system. If the sample (or average of annual samples, if more than one sample is taken) exceeds PMCL in Table 2.13, the waterworks must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the waterworks meets the criteria for reduced monitoring found in subdivision B 3 e (4) of this section.

(f) If a waterworks elects to sample more frequently than the minimum required, at least 25% of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum

residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

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

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

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

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

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

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

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quarter in which the system qualifies for reduced monitoring.

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

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

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

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

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

(1) Routine monitoring.

(a) Daily monitoring. Waterworks must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite PMCL in Table 2.13, the waterworks must take additional samples in the distribution system the following day at the locations required by subdivision B 3 f (1) (c) of this section, in addition to the sample required at the entrance to the distribution system.

(b) Monthly monitoring. Waterworks must take a three-sample set each month in the distribution system. The waterworks must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The waterworks may use the results of

additional monitoring conducted under subdivision B 3 f (1) (c) of this section to meet the requirement for monitoring in this paragraph.

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

(2) Reduced monitoring.

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

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

g. Bromate.

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

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

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

h. Monitoring requirements for disinfectant residuals.

(1) Chlorine and chloramines.

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

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

(2) Chlorine dioxide.

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

(b) On each day following a routine sample monitoring result that exceeds the MRDL in Table 2.12, the waterworks is required to take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the waterworks must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the waterworks must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(c) Chlorine dioxide monitoring may not be reduced.

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

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

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

j. Each waterworks required to monitor under subdivision B 3 of this section must develop and implement a monitoring plan. The waterworks must maintain the plan and make it available for inspection by the commissioner and the general public no later than 30 days following the applicable compliance dates in subdivision B 3 a of this section. All community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water serving more than 3,300 people must submit a copy of the monitoring plan to the commissioner no later than the date of the first report required under 12 VAC 5-590-530 A. The commissioner may also require the plan to be submitted by any other waterworks. After review, the commissioner may require changes in any plan elements. The plan must include at least the following elements:

(1) Specific locations and schedules for collecting samples for any parameters included in subdivision B 3 of this section.

(2) How the waterworks will calculate compliance with PMCLs, MRDLs, and treatment techniques.

(3) The sampling plan for a consecutive waterworks must reflect the entire consecutive distribution system.

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

a. Table 2.6--Group A

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(1) Owners of waterworks which use a surface water source in whole or in part shall sample at the entry points to the distribution system which is representative of each source, after treatment (hereafter called a sampling point). The minimum number of samples is one year of consecutive quarterly samples per sampling point beginning in accordance with Table 2.8.

(2) Owners of waterworks which use groundwater shall sample at points of entry to the distribution system which is representative of each source (hereafter called a sampling point). The minimum number of samples is one sample per sampling point beginning in accordance with Table 2.8.

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

(4) Waterworks serving less than 150 connections may inform the commissioner, in writing, that their waterworks is available for sampling instead of performing the required sampling.

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

b. Table 2.6--Group B and Table 2.7

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

(2) The owner of each community and nontransient noncommunity waterworks shall take one sample at each sampling point for each contaminant listed in Table 2.7 and report the results to the commissioner. Monitoring shall be completed by December 31, 1995.

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

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

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

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

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

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

5. Repealed.

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

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

(1) Sample site location.

(a) By the applicable date for commencement of monitoring under subdivision B 6 a (4) (a), each waterworks owner shall complete a materials evaluation of the distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the owner can collect the number of lead and copper tap samples required in subdivision B 6 a (3). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

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

(i) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within

publicly and privately owned structures connected to the distribution system;

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

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

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

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

(ii) Are served by a lead service line.

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

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

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

(ii) Are served by a lead service line.

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

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

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

(ii) Are served by a lead service line.

(g) The owner of a nontransient noncommunity waterworks with insufficient tier 1 sites that meet the targeting criteria in subdivision B 6 a (1) (f) of this

section shall complete the sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the owner of a nontransient noncommunity waterworks shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the waterworks.

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

(2) Sample collection methods.

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

(b) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw samples pursuant to subdivision B 6 a (2) (e) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the waterworks owner or the owner may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If an owner allows residents to perform sampling, the owner may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

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

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six hours. Lead service line samples shall be collected in one of the following three ways:

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

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

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

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

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

501 to 3,300	20	10
101 to 500	10	5
≤100	5	5

(4) Timing of monitoring.

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

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

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

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

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

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

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

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

(d) Reduced monitoring.

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

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

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

(iv) The owner of a waterworks that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in subdivision B 6 a (1) of this section. Waterworks

owners sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September. For a nontransient noncommunity waterworks that does not operate during the months of June through September, the commissioner shall designate an alternate monitoring period that represents a time of normal operation for the waterworks.

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

(vi) The owner of a small or medium-size waterworks subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with subdivision B 6 a (4) (c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section. Such waterworks owner shall also conduct water quality parameter monitoring in accordance with subdivision B 6 b (2), (3), or (4) of this section (as appropriate) during the monitoring period in which the action level is exceeded. The owner of any such waterworks may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subdivision B 6 a (3) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subdivision B 6 a (4) (d) (i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subdivision B 6 a (4) (d) (iii) or (v) of this section.

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

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water quality parameters within the distribution system under the following conditions:

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

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

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

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

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

(6) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under 12 VAC 5-590-410 E or toward meeting

the minimum monitoring requirements of subdivision B 6 a (3) of this section.

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

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

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

(iii) The sample container was damaged in transit.

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

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

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

(d) The waterworks owner must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the owner has too few samples to meet the minimum requirements of subdivision B 6 a (3) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the commissioner invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

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

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

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

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

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

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

(b) Monitoring criteria for waiver issuance. The waterworks owner must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the commissioner and from the number of sites required by subdivision B 6 a (3) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the owner became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.

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

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

(c) Commissioner approval of waiver application. The commissioner shall notify the waterworks owner of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the commissioner may require the owner to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that

might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The owner of a small waterworks must continue monitoring for lead and copper at the tap as required by subdivisions B 6 a (4) (a) through (d) of this section, as appropriate, until it receives written notification from the commissioner that the waiver has been approved.

(d) Monitoring frequency for waterworks owners with waivers.

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

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

(iii) If a waterworks owner with a full or partial waiver adds a new source of water or changes any water treatment, the owner must notify the commissioner in writing in accordance with 12 VAC 5-590-530 D 1 c. The commissioner has the authority to require the owner to add or modify waiver conditions (e.g., require recertification that the waterworks is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the waterworks.

(iv) If a waterworks owner with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the owner shall notify the commissioner in writing no later than 60 days after becoming aware of such a change.

(e) Continued eligibility. If the waterworks owner continues to satisfy the requirements of subdivision B 6 a (7) (d) of this section, the waiver will be renewed automatically, unless any of the conditions listed in subdivisions (i), (ii), or (iii) of this subdivision (e)

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occurs. A waterworks owner whose waiver has been revoked may reapply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subdivisions B 6 a (7) (a) and (b) of this section.

(i) A waterworks owner with a full waiver or a lead waiver no longer satisfies the materials criteria of subdivision B 6 a (7) (a) (i) of this section or has a 90th percentile lead level greater than 0.005 mg/L.

(ii) A waterworks owner with a full waiver or a copper waiver no longer satisfies the materials criteria of subdivision B 6 a (7) (a) (ii) of this section or has a 90th percentile copper level greater than 0.65 mg/L.

(iii) The commissioner notifies the waterworks owner, in writing, that the waiver has been revoked, setting forth the basis of the decision.

(f) Requirements following waiver revocation. A waterworks owner whose full or partial waiver has been revoked by the commissioner is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

(i) If the waterworks owner exceeds the lead and/or copper action level, the owner must implement corrosion control treatment in accordance with the deadlines specified in 12 VAC 5-590-420 C 2 e and any other applicable requirements of this subpart.

(ii) If the waterworks owner meets both the lead and the copper action level, the owner must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in subdivision B 6 a (3) of this section.

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

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

(ii) If the waterworks owner has met the materials criteria of subdivision B 6 a (7) (a) of this section but has not met the monitoring criteria of subdivision B 6 a (7) (b) of this section, the owner shall conduct a round of monitoring for lead and

copper at the tap demonstrating that it meets the criteria of subdivision B 6 a (7) (b) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the owner meets the continued eligibility criteria of subdivision B 6 a (7) (e) of this section. The first round of tap water monitoring conducted pursuant to subdivision B 6 a (7) (d) of this section shall be completed no later than nine years after the round of monitoring conducted pursuant to subdivision B 6 a (7) (b) of this section.

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

(1) General requirements.

(a) Sample collection methods.

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

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

(b) Number of samples.

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

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

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

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

(a) At taps:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) silica, when an inhibitor containing a silicate compound is used;
- (v) calcium;
- (vi) conductivity; and
- (vii) water temperature.

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

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

(a) At taps, two samples for:

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

(iv) silica, when an inhibitor containing a silicate compound is used;

(v) calcium, when calcium carbonate stabilization is used as part of corrosion control.

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

(i) pH;

(ii) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and

(iii) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

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

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

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section. Compliance with the commissioner-designated optimal water quality parameter values shall be determined as specified under 12 VAC 5-590-420 C 1 g.

(5) Reduced monitoring.

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

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

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

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

control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f.

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

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

(6) Additional monitoring by waterworks owners. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the waterworks owner and the commissioner in making any determinations under this section or 12 VAC 5-590-420 C 1.

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

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

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

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

(ii) The owner of a waterworks served by surface water sources shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution

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

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

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

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

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

(3) Monitoring frequency after installation of water supply treatment. The owner of any waterworks which

installs water supply treatment pursuant to 12 VAC 5-590-420 D 1 c shall collect an additional water supply sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in 12 VAC 5-590-420 D 1 d.

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

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

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

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

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

(5) Reduced monitoring frequency.

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

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

(ii) The commissioner has determined that water supply treatment is not needed and the waterworks owner demonstrates that, during the last three consecutive compliance periods in which sampling was conducted under subdivision B 6 c (4) (a) of this section, the concentration of lead in the water

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supply was less than or equal to 0.005 mg/L and the concentration of copper in the water supply was less than or equal to 0.65 mg/L.

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

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

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

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

7. Monitoring filtration and disinfection.

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

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

(1) In addition to the above, as of January 1, 2001, waterworks serving at least 10,000 people and as of

January 1, 2005, waterworks serving less than 10,000 people supplied by surface water or groundwater under the direct influence of surface water using conventional filtration treatment or direct filtration must conduct continuous monitoring of turbidity for each individual filter, using an approved method in 12 VAC 5-590-440. The turbidimeter must be calibrated using the procedure specified by the manufacturer. Waterworks must record the results of individual filter turbidity monitoring every 15 minutes.

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

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

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

Waterworks Size By Population	Samples/Day ¹
500 or less	1
501 to 1,000	2
1,000 to 2,500	3
2,501 to 3,300	4

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

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

(1) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in subsection A of this section, except that the division may allow a waterworks owner which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the division determines that such

points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in 12 VAC 5-590-420 B may be measured in lieu of residual disinfectant concentration.

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

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

(1) Number of instances where the residual disinfectant concentration is measured;

(2) Number of instances where the residual disinfectant concentration is not measured but HPC is measured;

(3) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

(4) Number of instances where no residual disinfectant concentration is detected and where the HPC is greater than 500/mL;

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

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

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

where

a = the value in subdivision B 7 d (1) of this section,

b = the value in subdivision B 7 d (2) of this section,

c = the value in subdivision B 7 d (3) of this section,

d = the value in subdivision B 7 d (4) of this section,

e = the value in subdivision B 7 d (5) of this section,

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

e. A waterworks owner need not report the data listed in 12 VAC 5-590-530 C 2 a if all data listed in 12 VAC 5-590-530 C 2 a through c remain on file at the waterworks

and the division determines that the waterworks owner has submitted all the information required by 12 VAC 5-590-530 C 2 a through c for at least 12 months.

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

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

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

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

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

a. Community waterworks owners must conduct initial monitoring to determine compliance with 12 VAC 5-590-400 B 2, 12 VAC 5-590-400 B 3 and 12 VAC 5-590-400 B 4 by December 31, 2007. For the purposes of monitoring for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity in drinking water, "detection limit" is defined as in Appendix B of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) If a community waterworks owner has a monitoring result that exceeds the PMCL while on reduced monitoring, the community waterworks owner must collect and analyze quarterly samples at that entry point until the community waterworks owner has results from four consecutive quarters that are below the PMCL, unless the community waterworks enters into another schedule as part of a formal compliance agreement with the commissioner.

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

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

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

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

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

(1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at an entry point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the commissioner may reduce the frequency of monitoring at that entry point to once every three years. Community waterworks owners must collect all samples required in subdivision 2 a of this subsection during the reduced monitoring period.

(2) For community waterworks in the vicinity of a nuclear facility, the commissioner may allow the community waterworks owners to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the community waterworks' entry point(s), where the commissioner determines if such data is applicable to a particular community waterworks. In the event that there is a release from a nuclear facility, community waterworks owners which are using surveillance data must begin monitoring at the community waterworks' entry point(s) in accordance with subdivision 2 a of this subsection.

b. Community waterworks owners (using surface or groundwater) designated by the commissioner as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. Community waterworks owners must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system, beginning within one quarter after being notified by the commissioner. Owners of community waterworks already designated by the

commissioner as using waters contaminated by effluents from nuclear facilities must continue to sample until the commissioner reviews and either reaffirms or removes the designation.

(1) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended.

(2) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As directed by the commission, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

(3) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.

(4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L (*screening level*), the commissioner may reduce the frequency of monitoring at that sampling point to every three years. Community waterworks owners must collect all samples required in subdivision 2 b of this subsection during the reduced monitoring period.

(5) For community waterworks in the vicinity of a nuclear facility, the commissioner may allow the community waterworks owner to utilize environmental surveillance data collected by the nuclear facility in lieu of the monitoring at the community waterworks' entry point(s), where the commissioner determines such data is applicable to a particular waterworks. In the event that there is a release from a nuclear facility, community waterworks owners which are using surveillance data must begin monitoring at the community waterworks' entry point(s) in accordance with subdivision 2 b of this subsection.

c. Owners of community waterworks designated by the commissioner to monitor for beta particle and photon radioactivity can not apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision 2 a or b of this subsection.

d. Community waterworks owners may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Community waterworks owners are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/l) by a factor of 0.82.

e. If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the *appropriate* screening level, an analysis of the sample

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must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with 12 VAC 5-590-400 B 5 a, using the formula in 12 VAC 590-400 B 5 b. Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.

f. Community waterworks owners must monitor monthly at the entry point(s) which exceed the maximum contaminant level in 12 VAC 5-590-400 B 5 beginning the month after the exceedance occurs. Community waterworks owners must continue monthly monitoring until the community waterworks has established, by a rolling average of three monthly samples, that the PMCL is being met. Community waterworks owners who establish ~~at~~ *that* the PMCL is being met must return to quarterly monitoring until they meet the requirements set forth in subdivision 2 a ~~(2)~~ (1) or 2 b ~~(4)~~ (4) of this subsection.

3. General monitoring and compliance requirements for radionuclides.

a. The commissioner may require more frequent monitoring than specified in subdivisions 1 and 2 of this subsection, or may require confirmation samples at his discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.

b. Each community waterworks owner shall monitor at the time designated by the commissioner during each compliance period.

c. Compliance: Compliance with 12 VAC 5-590-400 B 2 through 12 VAC 5-590-400 B 5 will be determined based on the analytical results(s) obtained at each entry point. If one entry point is in violation of a PMCL, the community waterworks is in violation of the PMCL.

(1) For community waterworks monitoring more than once per year, compliance with the PMCL is determined by a running annual average at each entry point. If the average of any entry point is greater than the PMCL, then the community waterworks is out of compliance with the PMCL.

(2) For community waterworks monitoring more than once per year, if any sample result will cause the running average to exceed the PMCL at any entry point, the community waterworks is out of compliance with the PMCL immediately.

(3) Community waterworks owners must include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum required.

(4) If a community waterworks owner does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

(5) If a sample result is less than the detection limit as specified in Appendix B, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than the detection limit as specified in Appendix B, 1/2 the detection limit will be used to calculate the annual average.

d. The commissioner has the discretion to delete results of obvious sampling or analytic errors.

e. If the PMCL for radioactivity set forth in 12 VAC 5-590-400 B through 12 VAC 5-590-400 B 5 is exceeded, the owner of a community waterworks must give notice to the commissioner pursuant to 12 VAC 5-590-530 and to the public as required by 12 VAC 5-590-540.

12 VAC 5-590-400. Radiological quality.

The effects of human radiation exposure are viewed as harmful, and any unnecessary exposure to ionizing radiation should be avoided.

A. Maximum contaminant level goals for radionuclides are listed in subsection A of Table 2.5 of 12 VAC 5-590-440.

B. Maximum contaminant levels for radionuclides are applicable to community waterworks only and are listed in this section and subsection B of Table 2.5.

1. (Reserved.)

2. PMCL for combined radium-226 and radium-228. The primary maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

3. PMCL for gross alpha particle activity (excluding radon and uranium). The primary maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.

4. PMCL for uranium. The primary maximum contaminant level for uranium is 30 µg/l.

5. PMCL for beta particle and photon radioactivity.

a. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year).

b. Except for the radionuclides listed in schedule 1 of Table 2.5, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of 2 liter per day drinking water intake using the 168 hour data list in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBX (National Bureau of Standards) Handbook 69 as amended August 1963, U.S. Department of Commerce. A copy of this document may be reviewed at the Virginia Department of Health ~~Division~~

Office of Drinking Water office in Richmond, Virginia. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 mrem/year.

6. Compliance dates. Compliance dates for combined radium-226 and radium-228, gross alpha particle activity, gross ~~beat~~ beta particle and photon radioactivity, and uranium: community waterworks owners must comply with the PMCLs listed in subdivisions 2, 3, 4, and 5 of this subsection beginning December 8, 2003, and compliance shall be determined in accordance with the requirements of 12 VAC 5-590-370 D. Compliance with reporting requirements for the radionuclides under 12 VAC 5-590-545 and 12 VAC 5-590-540 is required on December 8, 2003.

12 VAC 5-590-410. Determination of compliance.

For the purposes of determining compliance with a PMCL or action level, the following criteria shall be used:

A. Bacteriological results. Compliance with the PMCL for coliform bacteria shall be determined as specified in 12 VAC 5-590-380 C. Repeat samples shall be used as a basis for determining compliance with these regulations.

B. Inorganic chemicals.

1. Antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium. Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, or thallium exceed the PMCL, the waterworks shall take a confirmation sample, at the same sampling point, within two weeks of notification of the analytical results of the first sample.

a. The results of the initial and confirmation samples shall be averaged to determine compliance with subdivision 1 c of this subsection. The commissioner has the discretion to delete results of obvious sampling errors.

b. The commissioner may require more frequent monitoring.

c. Compliance with antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium in Table 2.2 of 12 VAC 5-590-440 shall be determined based on the analytical result(s) obtained at each sampling point.

(1) For waterworks which are conducting monitoring more frequently than annually, compliance with the PMCL for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium is determined by a running annual average at each sampling point. If the average at any sampling point is greater than the PMCL, then the waterworks is out of compliance. If any one sample would cause the annual average to be exceeded, then the waterworks is out of compliance immediately. Any sample below the detection limit shall be calculated at zero for the purpose of determining the annual average. (NOTE:

Refer to detection definition at 12 VAC 5-590-370 B 2 h.)

(2) For waterworks which are monitoring annually, or less frequently, the waterworks is out of compliance with the PMCL for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, and thallium if the average of the original sample and a confirmation sample of a contaminant at any sampling point is greater than the PMCL. However, if the confirmation sample is not collected, the waterworks is in violation of the PMCL for antimony, asbestos, barium, beryllium, cadmium, cyanide (as free cyanide), chromium, fluoride, mercury, nickel, selenium, or thallium.

2. Nitrate and nitrite. Compliance with the PMCL is determined based on one sample from each sampling point if the levels of these contaminants are below the PMCLs. Where nitrate or nitrite sample results exceed the PMCL, the waterworks owner shall take a confirmation sample from the same sampling point that exceeded the PMCL within 24 hours of the waterworks' receipt of the analytical results of the first sample. The results of the initial and confirmation sample shall be averaged to determine compliance with this subdivision. Waterworks owners unable to comply with the 24-hour sampling requirement must immediately notify the consumers in the area served by the waterworks in accordance with 12 VAC 5-590-540. Waterworks exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample. The commissioner may require more frequent monitoring. The commissioner has the discretion to delete results of obvious sampling errors.

3. Compliance with the PMCL for arsenic is determined by the average of four analyses made pursuant to 12 VAC 5-590-370 B 1 d (6). When the average is rounded off to the same number of significant figures as the PMCL and exceeds the PMCL the owner shall notify the commissioner and give notice to the public pursuant to 12 VAC 5-590-540. Monitoring after public notification shall be at a frequency designated by the commissioner and shall continue until the PMCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

C. Organic chemicals.

1. VOCs and SOCs. A confirmation sample shall be required for positive results for contaminants listed in Table 2.3. The commissioner has the discretion to delete results of obvious sampling errors from this calculation.

a. The results of the initial and confirmation sample shall be averaged to determine the waterworks' compliance in accordance with subdivision 1 b of this subsection.

b. Compliance with Table 2.3 shall be determined based on the analytical results obtained at each sampling point.

(1) For waterworks which are conducting monitoring more frequently than annually, compliance is determined by a running annual average of all samples

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taken at each sampling point. If the annual average of any sampling point is greater than the PMCL, then the waterworks is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the waterworks is out of compliance immediately. Any samples below the detection limit shall be calculated as zero for purposes of determining the annual average. (Note: Refer to detection definition at 12 VAC 5-590-370 B 2 h.)

(2) If monitoring is conducted annually, or less frequently, the waterworks is out of compliance if the level of a contaminant at any sampling point is greater than the PMCL. The determination of compliance will be based on the average of the initial and confirmation sample.

2. Disinfectant residuals, disinfection byproducts and disinfection byproduct precursors. Compliance with 12 VAC 5-590-370 B 3 a through B 3 k is as follows:

a. General requirements.

(1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the waterworks fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the waterworks' failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

(2) All samples taken and analyzed under the provisions of this subpart must be included in determining compliance, even if that number is greater than the minimum required.

(3) If during the first year of monitoring under 12 VAC 5-590-370 B 3 b, any individual quarter's average will cause the running annual average of that waterworks to exceed the PMCL in *Table 2.12 and* Table 2.13, the waterworks is out of compliance at the end of that quarter.

b. Disinfection byproducts.

(1) TTHMs and HAA5.

(a) For waterworks monitoring quarterly, compliance with PMCLs in Table 2.13 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the waterworks as prescribed by 12 VAC 5-590-370 B 3 e (1).

(b) For waterworks monitoring less frequently than quarterly, the waterworks demonstrate PMCL compliance if the average of samples taken that year under the provisions of 12 VAC 5-590-370 B 3 e (1) does not exceed the PMCLs in Table 2.13. If the average of these samples exceeds the PMCL, the waterworks must increase monitoring to once per

quarter per treatment plant and such a waterworks is not in violation of the PMCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the PMCL, in which case the waterworks is in violation at the end of that quarter. Waterworks required to increase monitoring frequency to quarterly monitoring must calculate compliance by including the sample that triggered the increase monitoring plus the following three quarters of monitoring.

(c) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the PMCL in *Table 2.12 and* Table 2.13, the waterworks is in violation of the PMCL and must notify the public pursuant to 12 VAC 5-590-540 in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530.

(d) If a waterworks fails to complete four consecutive quarters of monitoring, compliance with the PMCL in Table 2.13 for the last four-quarter compliance period must be based on an average of the available data.

(2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the waterworks takes more than one sample, the average of all samples taken during the month) collected by the waterworks as prescribed by 12 VAC 5-590-370 B 3 g. If the average of samples covering any consecutive four-quarter period exceeds the PMCL in Table 2.13, the waterworks is in violation of the PMCL and must notify the public pursuant to 12 VAC 5-590-540, in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530. If a waterworks fails to complete 12 consecutive months' monitoring, compliance with the PMCL for the last four-quarter compliance period must be based on an average of the available data.

(3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by 12 VAC 5-590-370 B 3 f (1) (a), (b) and (c). If the arithmetic average of any three sample set exceeds the PMCL in Table 2.13, the waterworks is in violation of the PMCL and must notify the public pursuant to 12 VAC 5-590-540, in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530.

c. Disinfectant residuals.

(1) Chlorine and chloramines.

(a) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the waterworks under 12 VAC 5-590-370 B 3 h (1) (a). If the average covering any consecutive four-quarter period exceeds the MRDL in Table 2.12, the waterworks is in violation of the MRDL and must notify the public pursuant to 12 VAC 5-590-540, in addition to reporting to the commissioner pursuant to 12 VAC 5-590-530.

(b) In cases where waterworks switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to 12 VAC 5-590-530 must clearly indicate which residual disinfectant was analyzed for each sample.

(2) Chlorine dioxide.

(a) Acute violations. Compliance must be based on consecutive daily samples collected by the waterworks under 12 VAC 5-590-370 B 3 h (2) (a). If any daily sample taken at the entrance to the distribution system exceeds the MRDL in Table 2.12, and on the following day one (or more) of the three samples taken in the distribution system exceed the MRDL, the waterworks is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for Tier 1 conditions in 12 VAC 5-590-540 in addition to reporting to the commissioner in pursuant to 12 VAC 5-590-530. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the waterworks must notify the public of the violation in accordance with the provisions for Tier 1 conditions in 12 VAC 5-590-540 in addition to reporting to the commissioner in pursuant to 12 VAC 5-590-530.

(b) Nonacute violations. Compliance must be based on consecutive daily samples collected by the waterworks under 12 VAC 5-590-370 B 3 h (2) (a). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL in Table 2.12 and all distribution system samples taken are below the MRDL, the waterworks is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and shall notify the public pursuant to the procedures for Tier 2 conditions in 12 VAC 5-590-540 in addition to reporting to the commissioner in pursuant to 12 VAC 5-590-530. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the waterworks must notify the public of the violation in accordance with the provisions for Tier 2 conditions in 12 VAC 5-590-540 in addition to reporting to the commissioner in pursuant to 12 VAC 5-590-530.

d. Disinfection byproduct precursors (DBPP). Compliance must be determined as specified by 12 VAC 5-590-420 H 3. Waterworks may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the waterworks. This monitoring is not required and failure to monitor during this period is not a violation. However, any

waterworks that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in 12 VAC 5-590-420 H 2 b and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to 12 VAC 5-590-420 H 2 c and is in violation. Waterworks may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For waterworks required to meet Step 1 TOC removals, if the value calculated under 12 VAC 5-590-420 H 3 a (4) is less than 1.00, the waterworks is in violation of the treatment technique requirements and must notify the public pursuant to 12 VAC 5-590-540 in addition to reporting to the commissioner pursuant to 12 VAC 5-90-530.

D. Radiological results (gross alpha, combined radium-226 and radium-228, uranium and man-made radioactivity). Compliance with the radiological Primary Maximum Contaminant Levels shall be in accordance with 12 VAC 5-590-370 D 3 c. Primary Maximum Contaminant Levels are indicated in subsection B of Table 2.5. Sampling for radiological analysis shall be in compliance with 12 VAC 5-590-370 D 1 and D 2. Furthermore, compliance shall be determined by rounding off results to the same number of significant figures as the Primary Maximum Contaminant Level for the substance in question.

E. Lead and copper action levels.

1. The lead action level is exceeded if the concentration of lead in more than 10% of tap water samples collected during any monitoring period conducted in accordance with 12 VAC 5-590-370 B 6 a is greater than 0.015 mg/l (i.e., if the "90th percentile" lead level is greater than 0.015 mg/l).

2. The copper action level is exceeded if the concentration of copper in more than 10% of tap water samples collected during any monitoring period conducted in accordance with 12 VAC 5-590-370 B 6 a is greater than 1.3 mg/l (i.e., if the "90th percentile" copper level is greater than 1.3 mg/l).

3. The 90th percentile lead and copper levels shall be computed as follows:

a. The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

b. The number of samples taken during the monitoring period shall be multiplied by 0.9.

c. The contaminant concentration in the numbered sample yielded by the calculation in subdivision 3 b of this subsection is the 90th percentile contaminant level.

d. For waterworks serving fewer than 100 people that collect five samples per monitoring period, the 90th

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percentile is computed by taking the average of the highest and second highest concentrations.

F. Turbidity. The requirements in this subsection apply to filtered waterworks until June 29, 1993. The requirements in this section apply to unfiltered waterworks with surface water sources or groundwater sources under the direct influence of surface water that are required to install filtration equipment until June 29, 1993, or until filtration is installed, whichever is later. When a sample exceeds the PMCL for turbidity a confirmation sample shall be collected for analysis as soon as possible. In cases where a turbidimeter is required at the waterworks, the preferable resampling time is within one hour of the initial sampling. The repeat sample shall be the sample used for the purpose of calculating the monthly average. Compliance for public notification purposes shall be based on the monthly averages of the daily samples. However, public notification is also required if the average of samples taken on two consecutive days exceeds five NTU.

G. All analyses for PMCL and action level compliance determinations shall be consistent with current Environmental Protection Agency Regulations found at 40 CFR Part 141.

12 VAC 5-590-440. Analytical methods.

Analytical methods to determine compliance with the requirements of this chapter shall be those specified in the applicable edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation; "Methods for Chemical Analysis of Water and Wastes," Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974; and "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (Sept 1986), EPA, Environmental Monitoring and Support Laboratory, Cincinnati, OH 45268 or in the case of primary maximum contaminant levels and lead and copper action levels, those methods shall be followed by the Division of Consolidated Laboratory Services and consistent with current U.S. Environmental Protection Agency regulations found at 40 CFR Part 141. All laboratories seeking certification to perform drinking water analyses must comply with 1 VAC 30-40 promulgated by the Department of General Services, Division of Consolidated Laboratory Services.

Table 2.2
Inorganic Chemicals.

Substance	Primary Maximum Contaminant Level (mg/L)
Antimony	0.006
Arsenic (As)	0.05
Asbestos	7 Million Fibers/Liter (longer than 10 um)
Barium (Ba)	2
Beryllium	0.004
Cadium (Cd)	0.005
Chromium (Cr)	0.1
Cyanide (as free Cyanide)	0.2

Fluoride (F)	4.0 #
Mercury (Hg)	0.002
Nickel	0.1
Nitrate (as N)	10 **
Nitrite (as N)	1
Total Nitrate and Nitrite (as N)	10
Selenium (Se)	0.05
Thallium	0.002
Substance	Secondary Maximum Contaminant Level (mg/L)
Chloride (Cl)	250.0
Corrosivity	Noncorrosive, See Appendix B
Fluoride	2.0
Foaming Agents	0.5 *
Iron (Fe)	0.3
Manganese (Mn)	0.05
Sodium (Na)	No Limits Designated
Sulfate (SO ₄)	250.0
Zinc (Zn)	5.0
Substance	Action Level (mg/L)
Lead (Pb)	0.015
Copper (Cu)	1.3

Note. For artificially fluoridated waterworks the minimum concentration of fluoride should be 0.8 mg/L and the maximum should be 1.0 mg/L. The optimum control limit is 0.9 mg/L. (See Appendix B)

* Note. Concentration reported in terms of Methylene Blue Active Substances.

** Note. See Appendix B for Exception Regarding Noncommunity Waterworks.

Table 2.3
Organic Chemicals.

Substance	Primary Maximum Contaminant Levels (mg/L)
VOC	
1. Vinyl Chloride	0.002
2. Benzene	0.005
3. Carbon Tetrachloride	0.005
4. 1,2-Dichloroethane	0.005
5. Trichloroethylene (TCE)	0.005
6. 1,1-Dichloroethylene	0.007
7. 1,1,1-Trichloroethane	0.2
8. para-Dichlorobenzene	0.075
9. cis-1,2-Dichloroethylene	0.07
10. 1,2-Dichloropropane	0.005
11. Ethylbenzene	0.7
12. Monochlorobenzene	0.1
13. o-Dichlorobenzene	0.6
14. Styrene	0.1
15. Tetrachloroethylene	0.005
16. Toluene	1
17. trans-1,2-Dichloroethylene	0.1
18. Xylene (total)	10
19. Dichloromethane	0.005
20. 1,2,4-Trichlorobenzene	0.07

21. 1,1,2-Trichloroethane SOC	0.05
1. Alachlor	0.002
2. Atrazine	0.003
3. Carbofuran	0.04
4. Chlordane	0.002
5. Heptachlor	0.0004
6. Heptachlor epoxide	0.0002
7. Polychlorinated biphenyls (PCBs)	0.0005
8. Dibromochloropropane (DBCP)	0.0002
9. Ethylene dibromide (EDB)	0.00005
10. Lindane	0.0002
11. Methoxychlor	0.04
12. Toxaphene	0.003
13. ,4-Dichlorophenoxyacetic Acid (2,4-D)	0.07
14. 2,4,5-Trichlorophenoxypropionic Acid (2,4,5-TP or Silvex)	0.05
15. Reserved	
16. Reserved	
17. Reserved	
18. Pentachlorophenol	0.001
19. Benzo(a)pyrene	0.0002
20. Dalapon	0.2
21. Di(2-ethylhexy)adipate	0.4
22. Di(2-ethylhexy)phthalate	0.006
23. Dinoseb	0.007
24. Diquat	0.02
25. Endothall	0.1
26. Endrin	0.002
27. Glyphosate	0.7
28. Hexachlorobenzene	0.001
29. Hexachlorocyclopentadiene	0.05
30. Oxamyl (Vydate)	0.2
31. Picloram	0.5
32. Simazine	0.004
33. 2,3,7,8-TCDD (Dioxin)	3 X 10 ⁻⁸

Table 2.4
Physical Quality.

Parameter	Maximum Contaminant Level	Concentration
Color	Secondary	15 Color Units
Odor	Secondary	3 Threshold odor numbers
pH	Secondary	6.5-8.5
Total Dissolved Turbidity	Secondary Primary	500 mg/L Solids (TDS) *1 Turbidity Unit

* See Appendix B for operational requirements.

Table 2.5
Radiological Quality.

A. Maximum Contaminant Level Goals for Radionuclides

SUBSTANCE	MCLG
1. Combined radium-226 and radium-228	zero
2. Gross alpha particle activity (excluding Radon and uranium)	zero
3. Beta particle and photon radioactivity	zero
4. Uranium	zero

B. Primary Maximum Contaminant Levels for Radionuclides

SUBSTANCE	Primary Maximum Contaminant Level
1. Combined radium-226 and radium-228	5 pCi/L
2. Gross Alpha Activity (excluding Radon and Uranium)	15 pCi/L
3. Uranium	30 µg/L

Primary Maximum Contaminant Levels for Beta Particle and Photon Radioactivity from Man-Made Radionuclides

1. The average annual concentration of Beta particle and Photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

2. Except for the radionuclides listed in Schedule I, the concentration of man-made radionuclides causing 4 MREM total body or organ dose equivalents shall be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data listed in 'Maximum Permissible Body Burdens and *Maximum Permissible Concentrations of Radionuclides in Air and Water for Occupational Exposure*,' MBS Handbook 69 as amended August 1963, U.S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ exceed 4 millirem/year.

Schedule 1

Average annual concentrations assumed to produce a total body organ dose of 4 MREM *mrem*/year.

Radionuclide	Critical Organ	pCi/liter
Tritium	Total Body	20,000
Strontium-90	Bone Marrow	8

* See Appendix B.

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Table 2.6
Unregulated Contaminant Organics to be Monitored.

Group A	
1. Chloroform	12. Chloromethane
2. Bromodichloromethane	13. Bromoethane
3. Chlorodibromomethane	14. 1,2,3-Trichloropropane
4. Bromoform	15. 1,1,1,2-Tetrachloroethane
5. Chlorobenzene	16. Chloroethane
6. m-Dichlorobenzene	17. 2,2-Dichloropropane
7. Dibromomethane	18. o-Chlorotoluene
8. 1,1-Dichloropropene	19. p-Chlorotoluene
9. 1,1-Dichloroethane	20. Bromobenzene
10. 1,1,2,2-Tetrachloroethane	21. 1,3-Dichloropropene
11. 1,3-Dichloropropane	

Group B	
1. Aldrin	8. Metoachlor
2. Butachlor	9. Metribuzin
3. Carbaryl	10. Propachlor
4. Dicamba	11. Aldicarb
5. Dieldrin	12. Aldicarb sulfone
6. Methomyl	13. Aldicarb sulfoxide
7. 3-Hyposycarbofuran	

Table 2.7
Organic Chemical Monitoring Implementation Schedule
Inorganics to be Monitored.

Sulfate

Table 2.8 Organic Chemical Monitoring Implementation Schedule.	
Number of Persons Served	Monitoring to Begin During the Quarter that Begins
over 10,000	January 1, 1988
3,300 to 10,000	January 1, 1989
less than 3,300	January 1, 1991

Table 2.9
PMCL Effective Dates.

Table 2.3, Organics Chemicals, VOC 1 through 8 (Phase I)	January 9, 1989
Total Trihalomethanes and Fluoride	July 1, 1991
Table 2.3, Organics Chemicals, VOC 9 through 18 and SOC 1 through 14 (Phase II VOCs and SOCs)	July 30, 1992
Asbestos, Cadmium, Chromium, Mercury, Nitrate, Nitrite, Total Nitrate+Nitrite, Selenium (Phase II IOCs)	July 30, 1992

Table 2.3, Organics Chemicals, SOC 15 through 18 and Table 2.2, Inorganic Chemicals, Barium (Phase II SOCs and IOCs)

Table 2.3, Organics Chemicals, VOC 19 through 21, SOC 19 through 33 and Table 2.2, Inorganic Chemicals; antimony, beryllium, cyanide (as free cyanide), nickel, and thallium

Uranium December 8, 2003

Table 2.10
Maximum Contaminant Level Goals for Microbiological Contaminants.

Contaminant	MCLG
Giardia lamblia	zero
Viruses	zero
Legionella	zero
Total coliforms (including fecal coliforms and Escherichia coli)	zero
Cryptosporidium	zero

Table 2.11
Maximum Contaminant Level Goals for Disinfection Byproducts.

Disinfection byproduct	MCLG (mg/L)
Chloroform	zero
Bromodichloromethane	zero
Bromoform	zero
Bromate	zero
Dichloroacetic acid	zero
Trichloroacetic acid	0.3
Chlorite	0.8
Dibromochloromethane	0.06

Table 2.12
Maximum Residual Disinfectant Level Goals (MRDLG) and Maximum Residual Disinfectant Levels (MRDL) for Disinfectants

Disinfectant residual	MRDLG(mg/L)	MRDL (mg/L)
Chlorine	4 (as Cl ₂)	4.0 (as Cl ₂)
Chloramines	4 (as Cl ₂)	4.0 (as Cl ₂)
Chlorine dioxide	0.8 (as ClO ₂)	0.8 (as ClO ₂)

Notwithstanding the MRDLs in Table 2.12, waterworks may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

Table 2.13
Primary Maximum Contaminant Levels (PMCL) for
Disinfection Byproducts

Disinfection byproduct	Current PMCL ¹ (mg/L)	Future PMCL ² (mg/L)
Total trihalomethanes (TTHM)	0.10	0.080
Haloacetic acids (five) (HAA5)		0.060
Bromate		0.010
Chlorite		1.0

¹The primary maximum contaminant level (PMCL) of 0.10 mg/L for total trihalomethanes (the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform)) applies to community waterworks using surface water or groundwater under the direct influence of surface water that serve a population of 10,000 people or more until December 31, 2001. This level applies to community waterworks that use only groundwater not under the direct influence of surface water and that serve a population of 10,000 people or more until December 31, 2003. Compliance with the primary maximum contaminant level for total trihalomethanes is calculated pursuant to 12 VAC 5-590-370 C 2 b (2) (a) (i). After December 31, 2003, this PMCL is no longer applicable.

²Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water and serving 10,000 or more persons, must comply with this PMCL beginning January 1, 2002. Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water serving fewer than 10,000 persons and waterworks using only groundwater not under the direct influence of surface water must comply with this PMCL beginning January 1, 2004.

12 VAC 5-590-540. Public notices.

A. All community and noncommunity waterworks owners shall give public notice to (i) persons served by the waterworks and (ii) the owner of any consecutive waterworks to which it sells or otherwise provides water under the following circumstances:

1. Tier 1.

- a. Violation of the PMCL for total coliforms when fecal coliform or *E. coli* are present in the distribution system;
- b. Failure to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform;
- c. Violation of the PMCL for nitrate, nitrite, or total nitrate and nitrite;
- d. Failure to take a confirmation sample within 24 hours of the waterworks receipt of the first sample showing an exceedance of the nitrate or nitrite PMCL;
- e. Exceedance of the nitrate PMCL by noncommunity waterworks, where permitted to exceed the PMCL by the commissioner;
- f. Violation of the MRDL for chlorine dioxide when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entry point of the distribution system exceed the MRDL;

g. Failure to monitor chlorine dioxide residuals in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system;

h. Violation of the treatment technique requirements for filtration and disinfection resulting from a single exceedance of the maximum allowable turbidity limit, where the commissioner determines after consultation that a Tier 1 notice is required;

i. Failure to consult with the commissioner within 24 hours after the owner learns of the violation of the treatment technique requirements for filtration and disinfection resulting from a single exceedance of the maximum allowable turbidity limit;

j. Occurrence of a waterborne disease outbreak or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

k. Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the commissioner on a case-by-case basis.

2. Tier 2.

a. All violations of the PMCL, MRDL, and treatment technique requirements, except where a Tier 1 public notice is required or where the commissioner determines that a Tier 1 notice is required per subdivision 1 k of this subsection;

b. Violations of the monitoring and testing procedure requirements, where the commissioner determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

c. Failure to comply with the terms and conditions of any variance or exemption in place.

3. Tier 3.

a. Monitoring violations, except where a Tier 1 public notice is required per subdivisions 1 d and 1 g of this subsection, or where the commissioner determines that a Tier 2 public notice is required per subdivision 2 b of this subsection;

b. Failure to comply with a testing procedure, except where a Tier 1 notice is required per subdivision 1 b of this subsection or where the commissioner determines that a Tier 2 notice is required per subdivision 2 b of this subsection;

c. Operation under a variance or an exemption;

d. Availability of unregulated contaminant monitoring results; and

e. Exceedance of the fluoride secondary maximum contaminant level (SMCL).

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B. If a waterworks has a violation, failure, exceedance, or situation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the commissioner may allow the owner to limit distribution of the public notice to only those persons served by that portion of the waterworks which is out of compliance. The decision granting limited distribution of the public notice shall be issued in writing.

C. Public notice distribution requirements.

1. For Tier 1 violations, exceedances, or situations, the owner shall:

a. Provide a public notice as soon as practical but no later than 24 hours after the waterworks learns of the violation, exceedance, or situation;

b. Initiate consultation with the commissioner as soon as practical, but no later than 24 hours after the waterworks learns of the violation or situation, to determine additional public notice requirements;

c. Comply with any additional public notice requirements, including any repeat notices or direction on the duration of the posted notices, that are established as a result of the consultation with the commissioner. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served; and

d. Provide the public notice in a form and manner reasonably calculated to reach all persons served. The form and manner shall fit the specific situation, and shall be designed to reach residential, transient, and non-transient users of the waterworks. In order to reach all persons served, owners shall use, at a minimum, one or more of the following forms of delivery:

- (1) Appropriate broadcast media (such as radio and television);
- (2) Posting of the public notice in conspicuous locations throughout the area served by the waterworks;
- (3) Hand delivery of the public notice to persons served by the water system; or
- (4) Another delivery method approved in writing by the commissioner.

2. For Tier 2 violations, exceedances, or situations the owner shall:

a. Provide the public notice as soon as practical, but no later than 30 days after the waterworks learns of the violation, exceedance, or situation. The commissioner may allow, on a case-by-case determination, additional time for the initial notice of up to three months from the date the waterworks learns of the violation, exceedance, or situation; however, the commissioner shall not grant an extension to the 30-day deadline for any unresolved violation.

b. Repeat the public notice every three months as long as the violation, exceedance, or situation persists, unless the commissioner determines that appropriate circumstances

warrant a different repeat notice frequency. In no circumstance shall the repeat notice be given less frequently than once per year. Repeat notice frequency less than every three months shall not be allowed for (i) a PMCL violation total coliforms; (ii) a treatment technique violation for filtration and disinfection; and (iii) other ongoing violations, exceedances, or situations.

c. Consult with the commissioner as soon as practical but no later than 24 hours after the waterworks learns of a violation of the treatment technique requirements for filtration and disinfection resulting from a single exceedance of the maximum allowable turbidity limit to determine whether a Tier 1 public notice is required to protect public health. If consultation does not take place within the 24-hour period, the waterworks shall distribute a Tier 1 public notice of the violation within the next 24 hours (i.e., no later than 48 hours after the waterworks learns of the violation).

d. Provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period.

(1) For community waterworks, the owner shall:

(a) Mail or otherwise directly deliver the public notice to each customer receiving a bill and to other service connections to which water is delivered by the waterworks; and

(b) Use any other distribution method reasonably calculated to reach other persons regularly served by the waterworks, if they would not normally be reached by the notice required in subdivision 2 d (1) (a) of this subsection. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

(2) For noncommunity waterworks, the owner shall:

(a) Post the public notice in conspicuous locations throughout The distribution system frequented by persons served by the waterworks, or by mail or direct delivery to each customer and service connection (where known); and

(b) Use any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subdivision 2 d (2) (a) of this subsection. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by.

Other methods may include publication in a local newspaper or newsletter distributed to customers,

use of e-mail to notify employees or students, or delivery of multiple copies in central locations (e.g., community centers).

e. Maintain a posted public notice in place for as long as the violation, exceedance, or situation persists, but in no case for less than seven days, even if the violation, exceedance, or situation is resolved.

3. For Tier 3 violations, exceedances, or situations the owner shall:

a. Provide the public notice not later than one year after the waterworks learns of the violation, exceedance, or situation or begins operating under a variance or exemption.

b. Repeat the public notice annually for as long as the violation, exceedance, variance, exemption, or other situation persists.

c. Maintain a posted public notice in place for as long as the violation, exceedance, variance, exemption, or other situation persists, but in no case less than seven days even if the violation or situation is resolved.

d. Instead of individual Tier 3 public notices, the owner may use an annual report detailing all violations, exceedances, and situations that occurred during the previous twelve months, as long as the timing requirements of subdivision 3 a of this subsection are met. For community waterworks the Consumer Confidence Report (CCR) may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, provided:

(1) The CCR is provided to persons served by the waterworks no later than 12 months after the waterworks learns of the violation, exceedance, or other situation;

(2) The Tier 3 public notice contained in the CCR meets the content requirements in subsection E of this section.

(3) The CCR is distributed in a manner meeting the delivery requirements in subdivision D 3 e of this section.

e. For community waterworks the owner shall:

(1) Mail or otherwise directly deliver the public notice to each customer receiving a bill and to other service connections to which water is delivered by the waterworks; and

(2) Use any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in subdivision 3 e (1) of this subsection. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g.,

apartment building owners or large private employers), posting in public places or on the Internet, or delivery to community organizations.

f. For noncommunity waterworks the owner shall:

(1) Post the public notice in conspicuous locations throughout the distribution system frequented by persons served by the waterworks, or by mail or direct delivery to each customer and service connection (where known); and

(2) Use any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in subdivision 3 f (1) of this subsection. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

D. Public notice contents.

1. Each public notice for PMCL, MRDL, and TT violations and other situations requiring a public notice shall include the following elements:

a. A description of the violation, exceedance, or situation, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

b. When the violation or situation occurred;

c. Any potential adverse health effects from the violation, exceedance, or situation, including the standard language under subdivision 5 a or 5 b of this subsection, whichever is applicable;

d. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;

e. Whether alternative water supplies should be used;

f. What actions consumers should take, including when they should seek medical help, if known;

g. What the waterworks is doing to correct the violation, exceedance, or situation;

h. When the waterworks expects to return to compliance or resolve the situation;

i. The name, business address, and phone number of the waterworks owner, operator, or designee as a source of additional information concerning the notice; and

j. A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subdivision 5 c of this subsection, where applicable.

2. Each public notice for a waterworks that has been granted a variance or exemption shall include the following elements:

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- a. An explanation of the reasons for the variance or exemption;
 - b. The date on which the variance or exemption was issued;
 - c. A brief status report on the steps the waterworks is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
 - d. A notice of any opportunity for public input in the review of the variance or exemption.
3. Each public notice for a waterworks that violates the conditions of a variance or exemption shall contain the ten elements listed in subdivision 1 of this subsection.
4. Each public notice shall:
- a. Be displayed in a conspicuous way when printed or posted;
 - b. Not contain overly technical language or very small print;
 - c. Not be formatted in a way that defeats the purpose of the notice;
 - d. Not contain language which nullifies the purpose of the notice.
 - e. Contain information in the appropriate language(s), for waterworks serving a large proportion of non-English speaking consumers, regarding the importance of the notice or contain a telephone number or address where persons served may contact the waterworks to obtain a translated copy of the notice or to request assistance in the appropriate language.
5. The public notice shall include the following standard language:
- a. For PMCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption--standard health effects language as specified in Appendix O corresponding to each PMCL, MRDL, and treatment technique violation and for each violation of a condition of a variance or exemption.
 - b. For monitoring and testing procedure violations -- standard language as specified below, including the language necessary to fill in the blanks:

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During (compliance period), we (did not monitor or test or did not complete all monitoring or testing) for (contaminant(s)), and therefore cannot be sure of the quality of your drinking water during that time.
 - c. For all public notices--standard language (where applicable), as specified below:

Please share this information with all the other people who drink this water, especially those who may not have

received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

- E. Public notice to new billing units or customers.
1. For community waterworks the owner shall give a copy of the most recent public notice for any continuing violation, variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.
 2. For noncommunity waterworks the owner shall continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.
- F. Special notice of the availability of unregulated contaminant monitoring results.
1. The owner of a community waterworks or non-transient, noncommunity waterworks shall notify persons served by the system of the availability of the results of such sampling no later than 12 months after the monitoring results are known.
 2. The special notice shall meet the requirements for a Tier 3 public notice and shall identify a person and telephone number to contact for information on the monitoring results.
- G. Special notice for exceedance of the SMCL for fluoride.
1. Community waterworks that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/l, but do not exceed the primary maximum contaminant level (PMCL) of 4 mg/l for fluoride, shall provide public notice to persons served as soon as practical but no later than 12 months from the day the waterworks learns of the exceedance.
 2. A copy of the notice shall be sent to all new billing units and new customers at the time service begins and to the engineering field office.
 3. The owner shall repeat the notice at least annually for as long as the SMCL is exceeded.
 4. If the public notice is posted, the notice shall remain in place for as long as the SMCL is exceeded, but in no case less than seven days even if the exceedance is eliminated.
 5. On a case-by-case basis, the commissioner may require an initial notice sooner than 12 months and repeat notices more frequently than annually.
 6. The form and manner of the public notice (including repeat notices) shall meet the requirements for a Tier 3 public notice.
 7. The public notice shall contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but

children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community waterworks (name) has a fluoride concentration of (insert value) mg/l. Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the excess fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products by young children. Older children and adults may safely drink the water. Drinking water containing more than 4 mg/l of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we are required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem. For more information, please call (name of water system contact) of (name of community waterworks) at (phone number). Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-NSF-HELP.

H. Special notice for nitrate exceedances above PMCL by noncommunity waterworks.

1. The owner of a noncommunity waterworks granted permission by the commissioner to exceed the nitrate PMCL shall provide public notice to persons served meeting the requirements for a Tier 1 notice.

2. The public notice shall be posted continuously and shall indicate the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, meeting the requirements for Tier 1 public notice delivery and content.

I. The ~~division~~ office may give notice to the public required by this section on behalf of the owner of the waterworks if the ~~division~~ office complies with the requirements of this section. However, the owner of the waterworks remains legally responsible for ensuring that the requirements of this section are met.

J. Within 10 days of completion of each initial and repeat public notice, the waterworks owner shall provide the appropriate field office:

1. A certification that he has fully complied with the public notice requirements; and

2. A representative copy of each type of notice distributed, published, posted and made available to the persons served by the waterworks and to the media.

K. The owner shall maintain copies of each public notice and certification for at least three years after issuance.

APPENDIX B. BACKGROUND USED IN DEVELOPING THE CHEMICAL, PHYSICAL AND RADIOLOGICAL LIMITS OF THE DRINKING WATER STANDARDS.

COPPER

ACTION LEVEL--1.3 mg/L

Copper is an essential and beneficial element in human metabolism. The daily copper requirement for adults has been estimated to be 2.0 mg. Preschool age children require about 0.1 mg daily for normal growth. Copper at high doses has, however, been shown to cause stomach and intestinal distress, liver and kidney damage, and anemia.

A primary source of high concentrations of copper in drinking water is from the internal corrosion of copper plumbing within the home. The EPA has established an action level of 1.3 mg/L of copper in first draw tap sample which may result in public waterworks installing measures to control corrosion.

CORROSION

Corrosion is responsible for many problems in the water distribution system including tuberculation with loss of carrying capacity and increased pumping costs, leaks, main ruptures, discoloration and loss of chlorine residual. The corrosivity of drinking water is a parameter which has not only esthetic and economic significance, but is health significant as well. The products of corrosion having the greatest health significance at the present time, cadmium and lead, are addressed as primary maximum contaminants, but there is also a sufficient basis to include corrosivity as a secondary maximum contaminant level.

Corrosivity is controlled by pH adjustment, the use of chemical stabilizers, or other means which are dependent upon the specific conditions of the water. The two major corrosion indicators utilized in Virginia are the Langelier Index (L.I.) and the Aggressive Index (A.I.). Other indicators also exist. The L.I. and A.I. are determined by utilizing some or all of the following parameters:

- pH
- Calcium Hardness
- Alkalinity
- Temperature
- TDS

All waterworks owners will be notified periodically of the corrosivity of their drinking water by the commissioner, either as L.I., A.I. or other appropriate index. Noncorrosive water should be the goal of each waterworks owner.

Furthermore, EPA requires each owner to be aware of type of materials used in the distribution system (including service connections and household plumbing) such as:

LEAD	COPPER
Pipe	Piping
Solder	Service Lines
Caulking	Household Plumbing
Lining of Distribution Mains	
Household Plumbing	

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GALVANIZED	Ferrous Piping (cast iron and steel)
Service Lines	Asbestos Cement Pipe
Household Plumbing	Vinyl Lined Asbestos Cement Pipe
	Coal Tar Lined Pipes
	Plastic Pipe
	Piping
	Service Line
	Household Plumbing

FLUORIDE

When the fluoride concentration in drinking water is maintained within the recommended ranges of 0.8 mg/L minimum and 1.0 mg/L maximum with the optimum being 0.9 mg/L, the consumer will realize a reduction in dental caries. When supplemental fluoridation is practiced, it is particularly advantageous to maintain a fluoride concentration at or near the optimum. The reduction in dental caries experienced at optimal fluoride concentrations will be diminished by as much as 50% when the concentration is 0.2 mg/L below the optimum. An approval limit slightly higher than the optimum can be tolerated without any mottling of teeth, so where fluorides are native to the water supply, these concentrations are acceptable. Higher levels should be reduced by treatment or blending with other sources lower in fluoride content. The U.S. Environmental Protection Agency has determined that the PMCL for fluoride is 4.0 mg/L based on long term toxicity data. The EPA has also determined that the SMCL for fluoride is 2.0 mg/L based on the potential formation of cosmetically objectionable dental fluorosis as a result of long term exposure. The level of the SMCL was based on a balancing of the beneficial and undesirable effects of fluoride.

FOAMING AGENTS

Foaming is an undesirable property of drinking water because it is esthetically displeasing and therefore should be absent. Because no convenient standardized formability test exists, and because surfactants are one major class of substances that cause foaming, this property is determined indirectly by measuring the anionic surfactant concentration of substances measured by the methylene blue method and should not exceed 0.5 mg/L as methylene blue active substances (MBAS).

LEAD

ACTION LEVEL - 0.015 mg/L

Lead is a toxic metal that tends to accumulate in the bone of man and animals. Signs of lead intoxication include gastrointestinal disturbances, fatigue, anemia, muscular paralysis, and encephalopathy. Irreversible damage to the brain is the frequent result of lead intoxication in children because of their eating lead containing paint still found in older homes. The most serious effects on the nervous system are seldom seen in the adult population however.

Household plumbing has been identified as a significant contributor of lead to our drinking water; therefore; any notice to the public concerning lead should advise persons served by the system to use only the cold water faucet for drinking and for use in cooking or preparing baby formula, and to run the

water until it gets as cold as it is going to get before each use. If there has recently been major water use in the household, such as showering or bathing, flushing toilets, or doing laundry with cold water, flushing the pipes should take 5 to 30 seconds, if not, flushing the pipes could take as long as several minutes. Each notice (see 12 VAC 5-590-520 A 8) should also advise persons served by the system to check to see if lead pipes, solder, or flux have been used in plumbing that provides tap water and to ensure that new plumbing and plumbing repairs use lead free materials.

The EPA's national primary drinking water regulation requires all public water systems to optimize corrosion control to minimize lead contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have lead concentrations below 15 parts per billion (ppb) in more than 90% of tap water samples (the EPA "action level") have optimized their corrosion control treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove lead in source water is needed. Any water system that continues to exceed the action level after installation of corrosion control and/or source water treatment must eventually replace all lead service lines contributing in excess of 15 ppb of lead to drinking water. Any water system that exceeds the action level must also undertake a public education program to inform consumers of ways they can reduce their exposure to potentially high levels of lead in drinking water.

NITRATE

Nitrate nitrogen (NO₃-N) levels not exceeding 20 mg/L may be allowed in a noncommunity waterworks if the owner demonstrates:

1. Such water will not be available to children under 6 months of age; and
2. There will be continuous posting of the fact that NO₃-N levels exceed 10 mg/L and the potential health effects of exposure; and
3. Health officials will be notified annually of NO₃-N levels that exceed 10 mg/L; and
4. No adverse health effects will result.

NOTE: Nitrite in water poses a greater health hazard but fortunately it seldom occurs in high concentrations. Waters with nitrite-nitrogen concentrations over 1 mg/L should not be used for infant feedings.

MANMADE RADIONUCLIDES

To determine compliance with subsection B of Table 2.5, the detection limits shall not exceed the concentrations listed in the following table:

DETECTION LIMITS FOR MAN-MADE BETA PARTICLE PHOTON EMITTERS

RADIONUCLIDE	DETECTION LIMIT
Tritium	1,000 pCi/L
Strontium-89	10 pCi/L
Strontium-90	2 pCi/L

Iodine-131	1 pCi/L
Cesium-134	10 pCi/L
Gross Beta	4 pCi/L
Other radionuclides	1/10 of the applicable limit

RADIONUCLIDES

To determine compliance with subsection B of Table 2.5, the detection limits shall not exceed the concentrations listed in the following table:

DETECTION LIMITS FOR GROSS ALPHA PARTICLE ACTIVITY, RADIUM-226, RADIUM-228, AND URANIUM

Contaminant	Detection Limit
Gross alpha particle activity	3 pCi/L
Radium-226	1 pCi/L
Radium-228	1 pCi/L
Uranium	Reserve 1µg/L

TURBIDITY

Operational requirement: Conventional water filtration plants utilizing surface waters as a source of supply are capable of producing filtered water with a turbidity consistently less than 0.1 NTU. Therefore, for water filtration plants the filter effluent turbidity for each filter, before any post-filtration chemical addition, operational limit is 0.1 NTU.

APPENDIX N. INORGANIC COMPOUNDS AND ORGANIC CHEMICALS

TABLE I
INORGANIC COMPOUNDS

Contaminant	BAT(s)
Antimony	2, 7
Asbestos	2, 3, 8
Barium	5, 6, 7, 9
Beryllium	1, 2, 5, 6, 7
Cadmium	2, 5, 6, 7
Chromium	2, 5, 6 ^b , 7
Cyanide	5, 7, 10, 13
Fluoride	1, 7, 9
Mercury	2 ^a , 4, 6 ^a , 7 ^a
Nickel	5, 6, 7
Nitrate	5, 7, 9
Nitrite	5, 7
Selenium	1, 2 ^c , 6, 7, 9
Thallium	1, 5

Key to Best Available Technologies/Treatment Techniques

1. Activated Alumina
2. Coagulation/Filtration (except for waterworks serving less than 500 service connections)
3. Direct or Diatomite Filtration
4. Granular Activated Carbon
5. Ion Exchange
6. Lime Softening (except for waterworks serving less than 500 service connections)
7. Reverse Osmosis

8. Corrosion Control
9. Electrodialysis/Electrodialysis Reversing
10. Chlorine ~~(except for water having cyanide (as free cyanide) exceeding 0.2 mg)~~.

11. Ultraviolet

12. Oxidation/Filtration

13. Alkaline Chlorination pH≥8.5

NOTES ON BAT DESIGNATIONS

- a. BAT only if influent mercury concentrations are less than or equal to 10 µg/l
- b. BAT for Chromium III only
- c. BAT for Selenium IV only

TABLE II
ORGANIC CHEMICALS

Contaminant	BAT(s)
Acrylamide	3
Alachlor	1
Aldicarb	1
Aldicarb sulfoxide	1
Aldicarb sulfone	1
Atrazine	1
Benzene	1, 2
Carbofuran	1
Carbon tetrachloride	1, 2
Chlordane	1
2,4-D	1
Dibromochloropropane (DBCP)	1, 2
o-Dichlorobenzene	1, 2
p-Dichlorobenzene	1, 2
1,2-Dichloroethane	1, 2
1,1-Dichloroethylene	1, 2
cis-1,2-Dichloroethylene	1, 2
trans-1,2-Dichloroethylene	1, 2
1,2-Dichloropropane	1, 2
Epichlorohydrin	3
Ethylene dibromide (EDB)	1, 2
Ethylbenzene	1, 2
Heptachlor	1
Heptachlor epoxide	1
Lindane	1
Methoxychlor	1
Monochlorobenzene	1, 2
PCBs	1
Pentachlorophenol	1
Styrene	1, 2
2,4,5-TP (Silvex)	1
Tetrachloroethylene	1, 2
1,1,1-Trichloroethane	1, 2
Trichloroethylene	1, 2
Toluene	1, 2
Toxaphene	1
Vinyl chloride	2
Xylenes (total)	1, 2
Benzo(a)pyrene	1
Dalapon	1

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Dichloromethane	2
Di(2-ethylhexyl)adipate	1, 2
Di(2-ethylhexyl)phthalate	1
Dinoseb	1
Diquat	1
Endothall	1
Endrin	1
Glyphosate	4
Hexachlorobenzene	1
Hexachloropentadiene	1, 2
Oxamyl (Vydate)	1
Picloram	1
Simazine	1
1,2,4-Trichlorobenzene	1, 2
1,1,2-Trichloroethane	1, 2
2,3,7,8-TCDD (Dioxin)	1

Key to Best Available Technologies/Treatment Techniques

1. Granular Activated Carbon
2. Packed Tower Aeration
3. Polymer Addition Practices
4. Oxidation (chlorination, with the exception of water having cyanide (as free cyanide) exceeding 0.2 mg/l, or ozonation)



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

REGISTRAR'S NOTICE: The Board of Dentistry 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 Dentistry will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-30).

Statutory Authority: § 54.1-5400 of the Code of Virginia.

Effective Date: May 3, 2006.

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

Summary:

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

18 VAC 60-20-30. Other fees.

A. Dental licensure application fees. The application fee for a dental license, a license to teach dentistry, a full-time faculty license, or a temporary permit as a dentist shall be \$225.

B. Dental hygiene licensure application fees. The application fee for a dental hygiene license by examination, a license to teach dental hygiene, or a temporary permit as a dental hygienist shall be \$135.

C. Duplicate wall certificate. Licensees desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$25.

D. Duplicate license. Licensees desiring a duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$10. If a licensee maintains more than one office, a notarized photocopy of a license may be used.

E. Licensure certification. Licensees requesting endorsement or certification by this board shall pay a fee of \$25 for each endorsement or certification.

F. Restricted license. Restricted license issued in accordance with § 54.1-2714 of the Code of Virginia shall be at a fee of \$150.

G. Endorsement license. License by endorsement issued in accordance with 18 VAC 60-20-80 for dental hygienists shall be at a fee of \$135.

H. Restricted volunteer license. The application fee for licensure as a restricted volunteer dentist or dental hygienist issued in accordance with § 54.1-2712.1 or § 54.1-2726.1 of the Code of Virginia shall be \$25.

I. Returned check. The fee for a returned check shall be \$25 \$35.

VA.R. Doc. No. R06-211; Filed March 14, 2006, 10:43 a.m.

BOARD OF PHARMACY

REGISTRAR'S NOTICE: The Board of Pharmacy 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 Pharmacy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 110-20. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-20).

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

Effective Date: May 3, 2006.

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

Summary:

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

18 VAC 110-20-20. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Unless otherwise provided, any fees for taking required examinations shall be paid directly to the examination service as specified by the board.

C. Initial application fees.

1. Pharmacist license	\$180
2. Pharmacy intern registration	\$15
3. Pharmacy technician registration	\$25
4. Pharmacy permit	\$270
5. Permitted physician licensed to dispense drugs	\$270
6. Nonrestricted manufacturer permit	\$270
7. Restricted manufacturer permit	\$180
8. Wholesale distributor license	\$270
9. Warehouser permit	\$270
10. Medical equipment supplier permit	\$180
11. Humane society permit	\$20
12. Nonresident pharmacy	\$270
13. Nonresident wholesale distributor	\$270
14. Controlled substances registrations (Between November 2, 2005, and December 31, 2006, the application fee for a controlled substance registration shall be \$50)	\$90
15. Robotic pharmacy system approval	\$150
16. Innovative program approval. If the board determines that a technical consultant is required in order to make a decision on approval, any consultant fee, not to exceed the actual cost, shall also be paid by the applicant in addition to the application fee.	\$250
17. Approval of a pharmacy technician training program	\$150
18. Approval of a continuing education program	\$100

D. Annual renewal fees:

1. Pharmacist active license	\$90
2. Pharmacist inactive license	\$45
3. Pharmacy technician registration	\$25

4. Pharmacy permit	\$270
5. Physician permit to practice pharmacy	\$270
6. Nonrestricted manufacturer permit	\$270
7. Restricted manufacturer permit	\$180
8. Wholesale distributor license	\$270
9. Warehouser permit	\$270
10. Medical equipment supplier permit	\$180
11. Humane society permit	\$20
12. Nonresident pharmacy	\$270
13. Nonresident wholesale distributor	\$270
14. Controlled substances registrations	\$90
15. Innovative program continued approval based onboard order not to exceed \$200 per approval period	

E. Late fees. The following late fees shall be paid in addition to the current renewal fee to renew an expired license within one year of the expiration date. In addition, engaging in activities requiring a license, permit, or registration after the expiration date of such license, permit, or registration shall be grounds for disciplinary action by the board.

1. Pharmacist license	\$30
2. Pharmacist inactive license	\$15
3. Pharmacy technician registration	\$10
4. Pharmacy permit	\$90
5. Physician permit to practice pharmacy	\$90
6. Nonrestricted manufacturer permit	\$90
7. Restricted manufacturer permit	\$60
8. Wholesale distributor license	\$90
9. Warehouser permit	\$90
10. Medical equipment supplier permit	\$60
11. Humane society permit	\$5
12. Nonresident pharmacy	\$90
13. Nonresident wholesale distributor	\$90
14. Controlled substances registrations	\$30

F. Reinstatement fees. Any person or entity attempting to renew a license, permit, or registration more than one year after the expiration date shall submit an application for reinstatement with any required fees. Reinstatement is at the discretion of the board and, except for reinstatement following license revocation or suspension, may be granted by the executive director of the board upon completion of an application and payment of any required fees.

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1. Pharmacist license	\$210	I. For the annual renewal due on or before December 31, 2005, the following fees shall be imposed for a license, permit or registration:
2. Pharmacist license after revocation or suspension	\$500	1. Pharmacist active license \$50
3. Pharmacy technician registration	\$35	2. Pharmacist inactive license \$25
4. Pharmacy technician registration after revocation or suspension	\$125	3. Pharmacy technician registration \$15
5. Facilities or entities that cease operation and wish to resume shall not be eligible for reinstatement, but shall apply for a new permit or registration. Facilities or entities that failed to renew and continued to operate for more than one renewal cycle shall pay the current and all back renewal fees for the years in which they were operating plus the following reinstatement fees:		4. Pharmacy permit \$210
a. Pharmacy permit	\$240	5. Physician permit to practice pharmacy \$210
b. Physician permit to practice pharmacy	\$240	6. Nonrestricted manufacturer permit \$210
c. Nonrestricted manufacturer permit	\$240	7. Restricted manufacturer permit \$140
d. Restricted manufacturer permit	\$210	8. Wholesale distributor license \$210
e. Wholesale distributor license	\$240	9. Warehouser permit \$210
f. Warehouser permit	\$240	10. Medical equipment supplier permit \$140
g. Medical equipment supplier permit	\$210	11. Humane society permit \$20
h. Humane society permit	\$30	12. Nonresident pharmacy \$210
i. Nonresident pharmacy	\$115	13. Nonresident wholesale distributor \$210
j. Nonresident wholesale distributor	\$115	14. Controlled substances registrations \$50
k. Controlled substances registration	\$180	18 VAC 110-30-15. Fees.
G. Application for change or inspection fees for facilities or other entities.		A. Unless otherwise provided, fees listed in this section shall not be refundable.
1. Change of pharmacist-in-charge	\$50	B. Fee for initial license for a practitioner of the healing arts to sell controlled substances.
2. Change of ownership for any facility	\$50	1. The application fee for initial licensure shall be \$240.
3. Inspection for remodeling or change of location for any facility	\$150	2. The application fee for reinstatement of a license that has been revoked or suspended indefinitely shall be \$500.
4. Reinspection of any facility	\$150	C. Renewal of license for a practitioner of the healing arts to sell controlled substances.
5. Board-required inspection for a robotic pharmacy system	\$150	1. The annual fee for renewal of an active license shall be \$90.
6. Board-required inspection of an innovative program location	\$150	2. The annual fee for renewal of an inactive license shall be \$45.
7. Change of pharmacist responsible for an approved innovative program	\$25	3. The late fee for renewal of a license within one year after the expiration date is \$30 in addition to the annual renewal fee.
H. Miscellaneous fees.		4. The fee for reinstatement of a license expired for more than one year shall be \$210.
1. Duplicate wall certificate	\$25	D. The fee for reinspection of any facility shall be \$150.
2. Returned check	\$25 -\$35	E. <i>The fee for a returned check shall be \$35.</i>

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Loads (TMDLs) - Carter Run, Deep Run, Great Run and Thumb Run

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 an Implementation Plan (IP) for bacteria total maximum daily loads (TMDLs) on a 3.55 mile segment of Carter Run, 4.83 mile segment of Deep Run, 15.69 mile segment of Great Run, and 6.91 mile segment of Thumb Run. TMDLs for the Carter Run and Great Run bacteria impairments were approved by the EPA in March 2005, drafts of which can be found on DEQ's website at http://gisweb.deq.virginia.gov/tmdlapp/tmdl_draft_reports.cfm. TMDLs for the Deep Run and Thumb Run bacteria impairments were approved by the EPA in May 2004 and May 2002, respectively, and can be found on DEQ's website at http://gisweb.deq.virginia.gov/tmdlapp/tmdl_report_search.cfm. The Carter Run, Deep Run and Great Run impairments are located in Fauquier County. The Deep Run impairment is located in Fauquier and Stafford County.

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

The second and final public meeting on the development of the IP for Carter, Deep, Great and Thumb Run bacteria TMDLs will be held on Tuesday, April 4, 2006, at 7 p.m. in the Warrenton Community Center, located at 430 East Shirley Avenue in Warrenton, Virginia.

The public comment period will end on May 4, 2006. A fact sheet on the development of the IP is available upon request. Questions or information requests should be addressed to Charlie Lunsford. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Charlie Lunsford, Department of Conservation and Recreation, 203 Governor Street, VA 23219, telephone (804) 786-3199, FAX (804) 786-1798, or e-mail charles.lunsford@dcr.virginia.gov.

Water Quality Study for Nansemond River and Shingle Creek

The Virginia Department of Environmental Quality (DEQ) will host a public meeting on a water quality study for Nansemond River and Shingle Creek in Suffolk on April 10, 2006.

The meeting will start at 6 p.m. in the Morgan Memorial Library located at 443 W. Washington Street in Suffolk. The purpose of the meeting is to provide information and discuss the study with community members and local government.

The Virginia Departments of Environmental Quality, Conservation and Recreation, and Health are working to

identify the sources of bacteria pollution in the Nansemond River watershed. This pollution decreases the quality of the water, and prohibits swimming or recreational use, and the direct harvest and consumption of shellfish in these waters.

During the study, a total maximum daily load, TMDL, has been developed for fecal coliform bacteria and enterococci in the 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, pollutant levels have to be reduced to the TMDL amount.

Streams with impaired quality include Shingle Creek (Recreation and Shellfish Consumption), Upper Nansemond River (Recreation), and Nansemond River and Tributaries (Shellfish Consumption).

For more information, contact Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office in Virginia Beach, by phone (757) 518-2111 or by e-mail jshowell@deq.virginia.gov. Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

STATE LOTTERY DEPARTMENT

The following Director's Order of the State Lottery Department was filed with the Virginia Registrar of Regulations on March 2, 2006. The order may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

DIRECTOR'S ORDER NUMBER SIXTEEN (06)

Virginia's Tenth Online Game Lottery; "Win For Life," Final Rules for Game Operation (effective 2/22/06).

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

General Notices/Errata

FINAL (Transmittal Sheet)-RR04
EMERGENCY (Transmittal Sheet)-RR05
NOTICE of MEETING-RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS-
RR08
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

ERRATA

BOARD OF MEDICINE

Title of Regulation: **18 VAC 85-10. Public Participation Guidelines.**

Publication: 17:12 VA.R. 2020-2023 February 26, 2001 (proposed) and 17:21 VA.R. 3116 July 2, 2001 (final).

Correction to Final Regulation:

NOTICE: The following is a full text version of 18 VAC 85-10, Public Participation Guidelines (PPGs), for the Board of Medicine. Due to an error in the above referenced regulatory action, several sections were inadvertently omitted from the official version of the PPGs and current sections were renumbered. In order to correct these mistakes, the following full chapter text is provided. Note that updates have been made to references to the Administrative Process Act due to the recodification of Titles 2.1 and 9 of the Code of Virginia, which became effective October 1, 2001.

CHAPTER 10. PUBLIC PARTICIPATION GUIDELINES.

PART I. GENERAL PROVISIONS.

18 VAC 85-10-10. Purpose.

The purpose of this chapter is to provide guidelines for the involvement of the public in the development and promulgation of regulations of the Board of Medicine. The guidelines do not apply to regulations exempted or excluded from the provisions of the Administrative Process Act (see § 2.2-4006 of the Code of Virginia). These rules seek to expand participation by providing for electronic exchange with the public and thereby increasing participation, reducing costs, and improving the speed of communication.

18 VAC 85-10-15. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Board" means the Board of Medicine.

"Notification lists" means lists used by the board to notify persons pursuant to these rules. Such lists may include electronic mailing lists maintained through a state website or regular mailing lists maintained by the board.

"Person" means an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.

PART II. NOTIFICATION LISTS.

18 VAC 85-10-20. Composition of lists.

A. The board shall maintain lists of persons who have requested to be notified of the formation and promulgation of regulations.

B. Any person may request to be placed on a notification list by indicating so electronically or in writing to the board. The board may add to a list any person it believes will serve the purpose of enhancing participation in the regulatory process.

C. The board may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. The board shall periodically request those persons on the notification lists to indicate their desire to either continue to receive documents by regular mail, be notified electronically or be deleted from the lists. Persons who elect to be included on an electronic mailing list may also request that all notices and mailings be sent in hard copy. When either regular or electronic mail is returned as undeliverable or there has been no response to the request from the board, such persons shall be deleted from the list.

18 VAC 85-10-30. Documents to be sent to persons on the lists.

Persons on the notification lists, as described in 18 VAC 85-10-20, shall be mailed or have electronically transmitted the following documents related to the promulgation of regulations:

1. A notice of intended regulatory action.
2. A notice of the comment period on a proposed regulation and instructions as to how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office.
3. A notification of the adoption of a final regulation and instructions as to how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office.
4. A notice soliciting comment on a final regulation when the regulatory process has been extended.

PART III. PUBLIC PARTICIPATION PROCEDURES.

18 VAC 85-10-40. Petition for rulemaking.

A. As provided in § 2.2-4007 of the Code of Virginia, any person may petition the board to develop a new regulation or amend an existing regulation.

B. A petition shall include but need not be limited to the following:

1. The petitioner's name, mailing address, telephone number, and, if applicable, the organization represented in the petition.
2. The number and title of the regulation to be addressed.
3. A description of the regulatory problem or need to be addressed.
4. A recommended addition, deletion, or amendment to the regulation.

C. The board shall receive, consider and respond to a petition within 180 days.

D. Nothing herein shall prohibit the board from receiving information from the public and proceeding on its own motion for rulemaking.

18 VAC 85-10-50. Notice of Intended Regulatory Action.

A. The notice of intended regulatory action (NOIRA) shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA.

C. If prior to the close of the 30-day comment period on the NOIRA, the board receives a request for a public hearing on the proposed regulation from at least 25 persons, such a hearing shall be scheduled.

18 VAC 85-10-60. Notice of Comment Period.

A. The notice of comment period (NOCP) shall indicate that copies of the proposed regulation are available electronically or from the board and may be requested in writing from the contact person specified in the NOCP.

B. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

C. The NOCP shall make provision for comments pertaining to the proposed regulation by regular mail, Internet, facsimile or electronic means. With the exception of comment received at a scheduled public hearing, oral comment may not be accepted.

18 VAC 85-10-70. Notice of meeting.

A. At any meeting of the board or advisory committee at which the formation or adoption of a regulation is anticipated, the subject shall be described in a notice of meeting, which has been posted electronically on the Internet and transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

B. If the board anticipates action on a regulation for which an exemption to the Administrative Process Act is claimed under § 2.2-4002 or 2.2-4006 of the Code of Virginia, the notice of meeting shall indicate that a copy of the proposed regulation is available on a state website or upon request to the board at least two days prior to the meeting. A copy of the regulation shall be made available to the public attending such meeting.

18 VAC 85-10-80. Public hearings on regulations.

The board shall conduct a public hearing during the 60-day comment period following the publication of a proposed regulation or amendment to an existing regulation, unless, at a noticed meeting, the board determines that a hearing is not required.

18 VAC 85-10-90. Periodic review of regulations.

A. Unless otherwise directed by executive order, the board shall conduct an informational proceeding at least every two years to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Such proceeding may be conducted separately or in conjunction with other informational proceedings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register and shall be sent to the mailing list identified in 18 VAC 85-10-20.

PART IV. ADVISORY BOARD OR COMMITTEE.

18 VAC 85-10-100. Appointment of advisory board or committee.

A. The board may appoint an ad hoc advisory board or committee whose responsibility shall be to assist in the review and development of regulations for the board.

B. The board may appoint an ad hoc advisory board or committee to provide professional specialization or technical assistance when the board determines that such expertise is necessary to address a specific regulatory issue or need or when groups or individuals register an interest in working with the agency.

18 VAC 85-10-110. Limitation of service.

A. An advisory board or committee which has been appointed by the board may be dissolved by the board when:

1. There is no response to the Notice of Intended Regulatory Action; or
2. The board determines that the promulgation of the regulation is either exempt or excluded from the requirements of the Administrative Process Act (see § 2.2-4006 of the Code of Virginia).

B. An advisory board or committee shall remain in existence no longer than 12 months from its initial appointment.

1. If the board determines that the specific regulatory need continues to exist beyond that time, it shall set a specific term for the committee of not more than six additional months.
2. At the end of that extended term, the board shall evaluate the continued need and may continue the committee for additional six-month terms.

VA.R. Doc. No. R00-260.

CALENDAR OF EVENTS

Symbol Key

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

NOTICE

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

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

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† April 3, 2006 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Suite 378, Richmond, Virginia.♿

A meeting to review case information at an informal fact finding conference.

Contact: Jean Grant, Enforcement Manager, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0725, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail jean.grant@boa.virginia.gov.

† May 17, 2006 - 9 a.m. -- Open Meeting

Richmond Marriott West, Franklin Room, 4240 Dominion Boulevard, Glen Allen, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business matters and regulatory review. A public comment period will be held at the beginning of the meeting. All meetings are subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board office at least 10 days before the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark D'Amato, Agency Regulatory Coordinator, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0502, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail mark.damato@boa.virginia.gov.

COMMONWEALTH COUNCIL ON AGING

† May 18, 2006 - 10 a.m. -- Open Meeting

Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments are welcome.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

April 5, 2006 - 10 a.m. -- Open Meeting

Department of Forestry, 900 Natural Resources Drive, 2nd Floor Meeting Room, Charlottesville, Virginia.♿

A meeting to (i) briefly review current finances, (ii) consider old and new business, and (iii) review grant proposals that have been submitted for the 2006-2007 fiscal year. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date, so that suitable arrangements can be made for any appropriate accommodation.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 102 Governor St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786, e-mail andrea.heid@vdacs.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

April 18, 2006 - 1 p.m. -- Open Meeting
Virginia Military Institute, Lexington, Virginia. 

A meeting of representatives of the State Air Pollution Control Board, Virginia Waste Management Board and State Water Control Board. An agenda will be available by March 20, 2006. An opportunity for public comment will be on the agenda. The meeting is the day before the Environment Virginia Conference.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

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
June 5, 2006 - 9 a.m. -- Open Meeting
June 19, 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

June 13, 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

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.

June 15, 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 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

April 7, 2006 - 10 a.m. -- Open Meeting

May 5, 2006 - 10 a.m. -- Open Meeting

June 2, 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 COMMISSION FOR THE ARTS

April 11, 2006 - 10 a.m. -- Open Meeting

Emory and Henry College, Emory, Virginia. 

A meeting of the Area I Panel to review grant applications and recommend funding to arts organizations in Area I of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

April 12, 2006 - 10 a.m. -- Open Meeting

Location to be announced. 

A meeting of the Area III Panel to review grant applications and recommend funding to arts organizations in Area III of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

April 18, 2006 - 10 a.m. -- Open Meeting

Piedmont Arts Center, Martinsville, Virginia. 

A meeting of the Area II Panel to review grant applications and recommend funding to arts organizations in Area II of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

April 21, 2006 - 10 a.m. -- Open Meeting
Museum of the Shenandoah Valley, Winchester, Virginia. 

A meeting of the Area IV-B Panel to review grant applications and recommend funding to arts organizations in Area IV-B of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

April 25, 2006 - 10 a.m. -- Open Meeting
Wolf Trap Foundation for the Performing Arts, Vienna, Virginia. 

A meeting of the Area IV-A Panel to review grant applications and recommend funding to arts organizations in Area IV-A of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last for two days from 10 a.m. until 5 p.m. each day as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

April 27, 2006 - 10 a.m. -- Open Meeting
Richmond Ballet Studio Theatre, Richmond, Virginia. 

A meeting of the Major Arts Organizations Panel to review grant applications and recommend funding to arts organizations for major arts organizations of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

May 2, 2006 - 10 a.m. -- Open Meeting

May 3, 2006 - 10 a.m. -- Open Meeting
Fergusson Center for the Arts, Christopher Newport University, Newport News, Virginia. 

A meeting of the Area VI Panel to review grant applications and recommend funding to arts organizations in Area VI of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last for two days from 10 a.m. until 5 p.m. each day as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

May 4, 2006 - 10 a.m. -- Open Meeting

May 5, 2006 - 10 a.m. -- Open Meeting
Richmond Ballet Studio Theatre, Richmond, Virginia. 

A meeting of the Area V Panel to review grant applications and recommend funding to arts organizations in Area V of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last for two days from 10 a.m. until 5 p.m. each day as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

May 9, 2006 - 10 a.m. -- Open Meeting
Richmond Ballet Studio Theatre, Richmond, Virginia. 

A meeting of the Local Arts Agencies Panel to review grant applications and recommend funding to local arts agencies of Virginia for the 2006-2007 fiscal year. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

May 10, 2006 - 10 a.m. -- Open Meeting
Richmond Ballet Studio Theatre, Richmond, Virginia. 

A meeting of the Arts in Education Panel to review applications from Virginia elementary and secondary schools and nonprofit organizations for Artist Residency grants. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

May 11, 2006 - 10 a.m. -- Open Meeting
Richmond Ballet Studio Theatre, Richmond, Virginia. 

A meeting of the Touring Panel to review applications from Virginia performing artists for inclusion in the 2007-2008 fiscal year. The meeting is scheduled to last until 5 p.m. as needed.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

June 6, 2006 - 8:30 a.m. -- Open Meeting

June 7, 2006 - 8:30 a.m. -- Open Meeting
Martha Washington Inn, Abingdon, Virginia. 

The final commission meeting of the fiscal year. The meeting is scheduled to last until 5 p.m. on June 6 and -until 2:30 p.m. on June 7.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor Street, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

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.

Calendar of Events

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.

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 FOR BARBERS AND COSMETOLOGY

May 1, 2006 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail barbercosmo@dpor.virginia.gov.

BOARD FOR THE BLIND AND VISION IMPAIRED

April 11, 2006 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board will review information regarding Department for the Blind and Vision Impaired activities and operations, review expenditures from the board endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail kathy.proffitt@dbvi.virginia.gov.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Rehabilitation Council for the Blind

† **June 10, 2006 - 10 a.m.** -- Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: Susan D. Payne, 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.

CEMETERY BOARD

June 7, 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, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail cemetery@dpor.virginia.gov.

CHARITABLE GAMING BOARD

June 7, 2006 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ♿

A regular board meeting.

Contact: Clyde E. Cristman, Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, e-mail clyde.cristman@dgc.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

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.

June 19, 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.

CHILD DAY-CARE COUNCIL

May 11, 2006 - 10 a.m. -- Open Meeting
Department of Social Services, 7 North 8th Street, Richmond, Virginia. ♿

A regular meeting.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, toll-free (800) 828-1120/TTY ☎, e-mail patricia.rengnerth@dss.virginia.gov.

Calendar of Events

STATE CHILD FATALITY REVIEW TEAM

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

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 

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

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.

† **April 26, 2006 - 11 a.m.** -- Open Meeting
102 Governor Street, 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.

DEPARTMENT OF CONSERVATION AND RECREATION

April 13, 2006 - Noon -- Open Meeting

May 11, 2006 - Noon -- Open Meeting

June 8, 2006 - Noon -- Open Meeting

Richmond City Hall, Planning Commission Conference Room, 900 East Broad Street, 5th Floor, Richmond, Virginia.

A regular meeting of the Falls of the James Scenic River Advisory Committee to discuss river issues.

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 10, 2006 - 10 a.m.** -- Open Meeting

Department of Forestry, 900 Natural Resources Drive, Board Conference Room, Charlottesville, Virginia.

A meeting of the Virginia Outdoors Plan Technical Advisory Committee. This is the second meeting of a committee appointed by the Director of the Department of Conservation and Recreation to provide information and comments on development of the 2007 Virginia Outdoors Plan.

Contact: John Davy, Division Director, Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail john.davy@dcr.virginia.gov.

Virginia Cave Board

April 29, 2006 - 11 a.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.

Chippokes Plantation Farm Foundation

† **April 13, 2006 - 10 a.m.** -- Open Meeting

Chippokes Mansion, Chippokes Plantation State Park, 695 Chippokes Park Road, Board Room, Surry, Virginia.

A regular business meeting of the Board of Trustees.

Contact: Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 786-7950,

FAX (804) 371-8500, e-mail
katherine.wright@dcr.virginia.gov.

Virginia Land Conservation Foundation

June 7, 2006 - 10 a.m. -- Open Meeting
Location to be announced.

A regular meeting of the Board of Trustees.

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 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

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

† **April 4, 2006 - 9 a.m.** -- Open Meeting
† **April 11, 2006 - 9 a.m.** -- Open Meeting
† **April 18, 2006 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

† **April 7, 2006 - 9 a.m.** -- Open Meeting
Old Dominion University, Peninsula Center, 600 Butler Farm
Road, Conference Room 2234, Hampton, Virginia.

Informal fact-finding conferences.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ♿, e-mail contractors@dpor.virginia.gov.

April 25, 2006 - 9 a.m. -- Open Meeting
May 23, 2006 - 9 a.m. -- Open Meeting
† **June 27, 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 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.

May 23, 2006 - 11:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulations,
3600 West Broad Street, Conference Room 4 West,
Richmond, Virginia. ♿

A quarterly meeting of the Board for Contractors Committee.

Contact: Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ♿, e-mail contractors@dpor.virginia.gov.

BOARD OF CORRECTIONS

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.

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.

Calendar of Events

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.

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

† April 14, 2006 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Executive Committee to address replacing emergency regulations with final regulations. There will be a public comment period at the beginning of the meeting.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail cheri.emma-leigh@dhp.virginia.gov.

† April 14, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Ad Hoc Committee to discuss development of legislation for dental assistants. There will be a public comment period at the beginning of the meeting.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail cheri.emma-leigh@dhp.virginia.gov.

April 21, 2006 - 9 a.m. -- Open Meeting

May 12, 2006 - 9 a.m. -- Open Meeting

May 26, 2006 - 9 a.m. -- Open Meeting

† June 23, 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.

† May 5, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Regulatory/Legislative Committee to discuss regulatory action on expanded duties for dental assistants. There will be a public comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

June 8, 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, Board of Dentistry, 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.

June 9, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor Richmond, Virginia. 

A meeting to discuss general business matters. 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.

DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

April 20, 2006 - 11 a.m. -- Open Meeting

May 18, 2006 - 11 a.m. -- Open Meeting

June 15, 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.

BOARD OF EDUCATION

† **April 3, 2006 - 8:30 a.m.** -- Open Meeting

† **May 11, 2006 - 8:30 a.m.** -- Open Meeting

DoubleTree Hotel Richmond Airport, 5501 Eubank Road, Sandston, Virginia

A meeting of the following Standards Setting Committees:

April 3-5, 2006 (8:30 a.m.) Grades 3 and 4 Reading, Grades 7 and 8 Reading, Grades 5 and 6 Mathematics.

May 11-12, 2006 (8:30) a.m.) Grade 5 Writing, Grade 8 Writing.

The meetings will be closed executive sessions; therefore, public comment will not be accepted at this time. For additional information, please contact Ms. Shelley Loving-Ryder, Assistant Superintendent, Division of Assessment and Reporting, Department of Education, Post Office Box 2120, Richmond, VA 23218-2120; e-mail darfax@doe.virginia.gov or by phone (804) 225-2102.

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 26, 2006 - 9 a.m. -- Open Meeting

May 24, 2006 - 9 a.m. -- Open Meeting

† **June 28, 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.

May 17, 2006 - 1 p.m. -- Open Meeting

Department of Education, James Monroe Building, 101 North 14th Street, 20th Floor Conference Room, Richmond Virginia.

A meeting of the Virginia State Special Education Advisory Committee to review State Operated Programs' annual plans. The committee meeting includes time to receive public comment. For additional information or if special accommodations are needed, please contact Ms. Beverly Wynter, Assistant to the Director of State Schools, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120; telephone 804/786-8079, TTY 804/786-2691. The public comment period will be from 2:15 to 2:30 p.m. More time for public comment will be added as needed. Those wishing to make public comment, but not able to attend the meeting may submit a statement that will be read to the committee by the Director of State Schools.

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

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

† **April 4, 2006 - 7 p.m.** -- Open Meeting

Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia. 

The second and final public meeting on the development of the implementation plan for bacteria TMDLs for Carter,

Calendar of Events

Deep, Greant and Thumb Runs in Fauquier County. The public notice appears in the Virginia Register of Regulations on April 3, 2006. The comment period starts on April 4, 2006, and ends on May 4, 2006.

Contact: Charlie Lunsford, Department of Environmental Quality, 203 Governor St., Richmond, VA 23219, telephone (804) 786-3199, FAX (804) 786-1798, e-mail charles.lunsford@dcr.virginia.gov.

April 6, 2006 - 7 p.m. -- Public Hearing
Bedford Central Library, 321 North Bridge Street, Bedford, Virginia. 

A public hearing on a permit modification for the Bedford County Landfill that would allow implementation of a groundwater corrective action plan detailing the methods to be used to remediate groundwater contamination. The public comment period began on March 1, 2006, and ends on April 21, 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.

† April 10, 2006 - 6 p.m. -- Open Meeting
Morgan Memorial Library, 443 West Washington Street, Suffolk, Virginia. 

A public meeting on the development of a TMDL to address bacteria impairments in the Nansemond River watershed located in Suffolk. The public notice appears in the Virginia Register of Regulations on April 3, 2006.

Contact: Jennifer Howell, Department of Environmental Quality, 5635 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111, e-mail jshowell@deq.virginia.gov.

April 11, 2006 - 7 p.m. -- Open Meeting
Abraham and William Cooper Memorial Branch Library, 20 Washington Avenue, Colonial Beach, Virginia. 

The final public meeting on the development of a TMDL for bacteria impairments of Mattox Creek in Prince George and Westmoreland counties. The comment period begins on March 22, 2006, and ends on April 21, 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.

April 12, 2006 - 7 p.m. -- Public Hearing
Pittsylvania County Public Library, Chatam Branch, 24 Military Drive, Chatham, Virginia. 

A public hearing on an application to modify the Pittsylvania County Landfill permit allowing implementation of a groundwater corrective action plan. The public comment period began on March 9, 2006, and ends on April 27, 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.

† April 18, 2006 - 10 a.m. -- Public Hearing
Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, Virginia. 

A public hearing on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The proposed revision consists of an amendment to existing regulations that contain the state list of nonattainment areas in order to include the U.S. Environmental Protection Agency (EPA) designation of a very fine particulate (PM2.5) nonattainment area. The Northern Virginia PM2.5 Nonattainment Area consists of Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City. The department is seeking comment on the issue of whether the regulation amendments should be submitted to EPA as a revision to the SIP.

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

NOTE: CHANGE IN MEETING DATE

April 18, 2006 - 7 p.m. -- Public Hearing
Nelson Memorial Library, 8521 Thomas Nelson Highway, Meeting Room, Lovingston, Virginia. 

A public hearing on an application for a modification to the Nelson County Landfill permit allowing for implementation of a groundwater corrective action plan that details the methods to be used to remediate groundwater contamination. The comment period begins on March 9, 2006, and ends on May 3, 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.

BOARD OF FORESTRY

April 18, 2006 - 1 p.m. -- Open Meeting
Virginia Military Institute, Letcher Avenue, Neikirk Hall, Board Room, 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
† April 26, 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.

GOVERNOR'S EMS ADVISORY BOARD

May 11, 2006 - 3 p.m. -- Open Meeting
The Place @ Innsbrook, Richmond, Virginia. ♿

A meeting of the Regulation and Policy Committee to review current EMS Regulations and proposed regulatory language changes.

Contact: Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, e-mail michael.berg@vdh.virginia.gov.

GOVERNOR'S MOTORCYCLE ADVISORY COUNCIL

† April 11, 2006 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ♿

The second meeting of the newly-established council.

Contact: Audrey Odum, Management Analyst, Department of Motor Vehicles, P.O. Box 27412 Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-6631, (800) 272-9268/TTY ☎, e-mail audrey.odum@dmv.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

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.

BOARD OF HEALTH PROFESSIONS

† April 18, 2006 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting of the Education Committee to discuss the Fall Issues Forum and general board member training issues. It will also review and comment on educational materials. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.virginia.gov.

† April 18, 2006 - 10:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ♿

A meeting of the Enforcement Committee to receive an update on the Sanction Reference Study progress. It will also be reviewing agency disciplinary performance measures. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.virginia.gov.

† April 18, 2006 - Noon -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ♿

A general business meeting of the board to receive committee reports and review relevant legislation and be apprised of pending regulatory proposals. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.virginia.gov.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

April 10, 2006 - 1 p.m. -- Public Hearing
State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Main Conference Room, Richmond, Virginia.

May 8, 2006 - 5 p.m. -- 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 Council of Higher Education

Calendar of Events

for Virginia intends to **repeal** regulations entitled **8 VAC 40-30, Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates** and **adopt** regulations entitled **8 VAC 40-31, Regulations Governing Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates**. The purpose of the proposed action is to govern the certification and operation of the Virginia private not-for-profit and for-profit postsecondary schools operating in Virginia, which includes instituting of higher education and nondegree schools that may be academic-career-technical or career-technical schools.

Statutory Authority: § 23-276.3 of the Code of Virginia.

Contact: Linda H. Woodley, Certification Manager, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, VA 23219, telephone (804) 371-2938, FAX (804) 225-2604, or e-mail lindawoodley@schev.edu.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

† **April 21, 2006 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to hear appeals under Virginia's building and fire regulations and issue interpretations of the regulations as recommendations to the Board of Housing and Community Development for future amendment or repeal of such provisions.

Contact: Vernon Hodge, Secretary to the Board, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7150.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Information Technology Investment Board

† **April 5, 2006 - 9:30 a.m.** -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The following committees will meet:

- 9:30 a.m. - Executive Evaluation and Governance
- 9:30 a.m. - Legislative Affairs
- 10:30 a.m. - Finance and Audit
- 1 p.m. - IT Infrastructure
- 3 p.m. - Commonwealth IT Solutions

Contact: Marcella Williamson, Executive Director, Information Technology Investment Board, 110 S. 7th St., 3rd Floor, telephone (804) 371-5988, e-mail marcella.williamson@vita.virginia.gov.

† **April 6, 2006 - 9 a.m.** -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A strategic planning meeting with other Commonwealth strategic groups.

Contact: Marcella Williamson, Executive Director, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, telephone (804) 371-5988, e-mail marcella.williamson@vita.virginia.gov.

† **April 6, 2006 - 1 p.m.** -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A full board meeting.

Contact: Marcella Williamson, Executive Director, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, telephone (804) 371-5988, e-mail marcella.williamson@vita.virginia.gov.

Wireless E-911 Services Board

NOTE: CHANGE IN MEETING DATE

April 5, 2006 - 10 a.m. -- Open Meeting

June 7, 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.

INNOVATIVE TECHNOLOGY AUTHORITY

† **May 24, 2006 - 1 p.m.** -- Open Meeting
Center for Innovative Technology, 2214 Rock Hill Road, 7th Floor, Fairfax Room, Herndon, Virginia. 

A meeting of the Board of Directors to review CIT building leases.

Contact: Sharon Kozar, Executive Assistant, Innovative Technology Authority, 2214 Rock Hill Rd., Herndon, VA 20170, telephone (703) 689-3000, e-mail skozar@cit.org.

JAMESTOWN-YORKTOWN FOUNDATION

May 25, 2006 - 10 a.m. -- Open Meeting

May 26, 2006 - 8 a.m. -- Open Meeting

Crowne Plaza Fort Magruder, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A semi-annual two-day Board of Trustees meeting. Public comment period to be provided on second day of meeting. Contact the Foundation for a complete schedule.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, Post Office Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX

(757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail laura.bailey@jyf.virginia.gov.

May 31, 2006 - Noon -- Open Meeting

June 7, 2006 - 2 p.m. -- Open Meeting

Alexandria, Virginia. (call contact below for specific location)

♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee.

Contact: Judith Leonard, Administrative Office Manager, Jamestown-Yorktown Foundation, 410 West Francis Street, Williamsburg, VA 23185, telephone (757) 253-4253, FAX (757) 253-4950, e-mail judith.leonard@jyf.virginia.gov.

STATE BOARD OF JUVENILE JUSTICE

April 12, 2006 - 9 a.m. -- Open Meeting

Shenandoah Valley Juvenile Center, 300 Technology Drive, Staunton, Virginia.

June 14, 2006 - 9 a.m. -- Open Meeting

Culpeper Juvenile Correctional Center, 12240 Coffeewood Drive, Mitchells, 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.

LIBRARY BOARD

† **April 3, 2006 - 10 a.m.** -- Open Meeting

The Library of Virginia, 800 East Broad Street, Conference Room A, Richmond, Virginia. ♿

A meeting of the Public Library Study Steering Committee to consider the recommendations in "Inventing the Future of Public Library Service in Virginia" by the consulting firm, Himmel and Wilson. The committee will make recommendations for the Library Board's consideration.

Contact: Jean H. Taylor, Executive Secretary Senior to the Librarian of Virginia, The Library of Virginia, 800 E. Broad St., Richmond, VA 23294-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

June 12, 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.

BOARD OF LONG-TERM CARE ADMINISTRATORS

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.

MARINE RESOURCES COMMISSION

April 25, 2006 - 9:30 a.m. -- Open Meeting

May 23, 2006 - 9:30 a.m. -- Open Meeting

† **June 27, 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

June 13, 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.

Calendar of Events

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

April 14, 2006 - 11 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. 

A meeting of the Dental Advisory Committee to review the new Smiles for Children Dental Program.

Contact: Sandra Brown, Dental Program Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1567, FAX (804) 786-5799, (800) 343-0634/TTY , e-mail sandra.brown@dmas.virginia.gov.

April 19, 2006 - 1 p.m. -- Open Meeting
† June 21, 2006 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. 

A meeting of the Medicaid Transportation Advisory Committee to discuss Medicaid transportation issues with the committee and the community.

Contact: Bob Knox, Transportation Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804) 786-6035, (800) 343-0634/TTY , e-mail robert.knox@dmas.virginia.gov.

May 11, 2006 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 E. Broad Street, 13th Floor Board Room, Richmond, Virginia. 

A meeting of the Drug Utilization Review Committee to discuss Medicaid pharmacy issues as related to this board.

Contact: Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0918, FAX (804) 786-0973, (800) 343-0634/TTY , e-mail rachel.cain@dmas.virginia.gov.

May 17, 2006 - 4 p.m. -- Open Meeting
Richmond, Virginia area; location to be announced.

A meeting of the Managed Care Advisory Committee to discuss Medicaid managed care issues as related to this committee.

Contact: Donna Garrett, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0194, FAX (804) 786-5799, (800) 343-0634/TTY , e-mail donna.garrett@dmas.virginia.gov.

† June 2, 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 **12 VAC 30-70, Methods and Standards for Establishing Payment Rates; Inpatient Hospital Services**. The purpose of the proposed action is to implement a new supplemental

payment for hospitals that do not otherwise receive an enhanced IME payment and provide additional indirect medical education (IME) payment to qualifying hospitals.

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

Contact: Carla Russell, Provider Reimbursement Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4586, FAX (804) 786-1680 or e-mail carla.russell@dmas.virginia.gov.

† June 2, 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 **12 VAC 30-141, Family Access to Medical Insurance Security**. The purpose of the proposed action is to implement a revised employer-sponsored health insurance component under the FAMIS program.

Statutory Authority: § 32.1-351 of the Code of Virginia.

Contact: Linda Nablo, Maternal and Child Health Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4212, FAX (804) 786-1680 or e-mail linda.nablo@dmas.virginia.gov.

BOARD OF MEDICINE

April 4, 2006 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. 

† April 12, 2006 - 8:45 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

April 27, 2006 - 9 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 23230, 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.

May 19, 2006 - 1 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A meeting of the Subcommittee on Continuing Competency to review information from entities that seek to ensure continued competency of practicing physicians. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

† June 22, 2006 - 8 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A regular meeting of the board to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

Advisory Board on Acupuncture**June 7, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of acupuncture. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

Advisory Board on Athletic Training**June 8, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of athletic training. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

Advisory Board on Midwifery**June 9, 2006 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of midwifery. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

Advisory Board on Occupational Therapy

NOTE: CHANGE IN MEETING TIME

June 6, 2006 - 10 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of occupational therapy. 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.

Calendar of Events

Advisory Board on Physician Assistants

June 8, 2006 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of physician assistants. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

Advisory Board on Radiologic Technology

June 7, 2006 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of radiologic technologists and radiologic technologist-limited. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

Advisory Board on Respiratory Care

June 6, 2006 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of respiratory care. 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.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† April 7, 2006 - 10 a.m. -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street,
Richmond, Virginia. 

A regular meeting. A public comment period will be held.

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

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

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)

† June 28, 2006 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, 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.dmhmsas.virginia.gov.

STATE MILK COMMISSION

May 17, 2006 - 10:45 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Room 2054 Charlottesville, Virginia. 

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

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 102 Governor St., Room 205, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail edward.wilson@vdacs.virginia.gov.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† May 2, 2006 - 9:30 a.m. -- Public Hearing
Department of Mines, Minerals and Energy, 3405 Mountain Empire Road, Room 219, Big Stone Gap, Virginia.

June 3, 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 Mines, Minerals and Energy intends to amend regulations entitled **4 VAC 25-130, Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to require coal mine permit boundary markers located on steep slopes above private dwellings or occupied buildings to be made of or marked with fluorescent or reflective paint and requires persons conducting blasting operations on coal mines within

1,000 feet of a dwelling or occupied building to conduct seismic monitoring of the blasting.

Statutory Authority: §§ 45.1-161.3, 45.1-230 and 45.1-242 of the Code of Virginia.

Contact: Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 N. 9th St., 8th Floor, Richmond, VA 23219-3402, telephone (804) 692-3211, FAX (804) 692-3237 or e-mail stephen.walz@dmmme.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

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.

FOUNDATION FOR VIRGINIA'S NATURAL RESOURCES

April 7, 2006 - 4 p.m. -- Open Meeting

Telephone conference.

A teleconference meeting of the Planning and Development Committee of the Board of Trustees.

Contact: Brenda Taylor, Administrative Staff Assistant, Foundation for Virginia's Natural Resources, 900 Natural Resources Dr., Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, e-mail brenda.taylor@dof.virginia.gov.

BOARD OF NURSING

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

June 1, 2006 - 9 a.m. -- Open Meeting

June 5, 2006 - 9 a.m. -- Open Meeting

June 8, 2006 - 9 a.m. -- Open Meeting

June 12, 2006 - 9 a.m. -- Open Meeting

June 20, 2006 - 9 a.m. -- Open Meeting

† **June 27, 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.

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.

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.

JOINT BOARDS OF NURSING AND MEDICINE

NOTE: CHANGE IN MEETING DATE

† **April 9, 2006 - 9 a.m.** -- Open Meeting

† **June 21, 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

April 7, 2006 - 1 p.m. -- Open Meeting

June 16, 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

Calendar of Events

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.

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.

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
The Nature Conservancy, Virginia Cost Reserve, Brownsville Mansion, Eastern Shore, Virginia.

June 21, 2006 - 1 p.m. -- Open Meeting
June 22, 2006 - 9 a.m. -- Open Meeting
Charlottesville, 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

† April 4, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A panel will discuss disciplinary matters. No public comments will be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

† June 7, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A meeting to consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scotti.russell@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

† June 1, 2006 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

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

Contact: Kevin Hoefft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY , e-mail kevin.hoefft@dpor.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

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

† **June 22, 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, 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

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

† **May 10, 2006 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia ☎

Informal fact-finding conferences.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reboard@dpor.virginia.gov.

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.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

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.

VIRGINIA RESOURCES AUTHORITY

April 11, 2006 - 9 a.m. -- Open Meeting

† **May 2, 2006 - 9 a.m.** -- Open Meeting
Virginia Resources Authority, 8th and Main Building, 2nd Floor Conference Room, Richmond, Virginia.

A regular monthly board meeting.

Contact: Amy Boratyn, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail aboratyn@virginiaresources.org.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **April 19, 2006 - 12 p.m.** -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia ☎

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. Meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail scott.parsons@dba.virginia.gov.

Calendar of Events

STATE BOARD OF SOCIAL SERVICES

April 19, 2006 - 9 a.m. -- Open Meeting

April 20, 2006 - 9 a.m. -- open Meeting
Shenandoah County Department of Social Services, 600 North Main Street, Woodstock, Virginia.

A regular meeting.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 North 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, toll-free (800) 828-1120/TTY ☎, e-mail patricia.rengnerth@dss.virginia.gov.

BOARD OF SOCIAL WORK

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

NOTE: CHANGE IN MEETING DATE

May 4, 2006 - 9 a.m. -- Open Meeting

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

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

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

COMMONWEALTH TRANSPORTATION BOARD

† **April 20, 2006 - 12 p.m.** -- Open Meeting

Department of Transportation Auditorium, 1221 East Broad Street, Richmond, Virginia. ♿

A combined workshop and regularly scheduled meeting to transact board business, such as permits, additions/deletions to the highway system, and other matters requiring board approval. Public comment will be

received at the outset of the meeting on items on the agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups will be asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Carol Mathis, Administrative Staff Assistant, Department of Transportation, Policy Division, 1401 E. Broad St. Richmond, VA 23219, telephone (804) 786-2401, e-mail carol.mathis@vdot.virginia.gov.

TRANSPORTATION SAFETY BOARD

† **May 10, 2006 - 8:30 a.m.** -- Open Meeting

The Inn at Virginia Tech and Skelton Conference Center Blacksburg, Virginia. ♿

A quarterly board meeting and presentation of Governor's awards.

Contact: Audrey Odum, Management Analyst, Department of Motor Vehicles, P.O. Box 27412 Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-6631, (800) 272-9268/TTY ☎, e-mail audrey.odum@dmv.virginia.gov.

DEPARTMENT OF THE TREASURY

Virginia College Building Authority

† **April 18, 2006 - 10:30 a.m.** -- Open Meeting

101 North 14th Street, 3rd Floor, Richmond, Virginia. ♿

A meeting to consider the issuance of Educational Facilities Revenue Bonds (21st Century College and Equipment Programs).

Contact: Janet Aylor, Public Finance Manager, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, Virginia 23218-1879, telephone (804) 786-2082, FAX (804) 225-3187, e-mail janet.aylor@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Board of Veterans Services

NOTE: CHANGE IN MEETING TIME

April 4, 2006 - 2:30 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.

BOARD OF VETERINARY MEDICINE

April 5, 2006 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Ad Hoc Committee on Lay Equine Dentistry to review current Board of Veterinary Medicine guidance document and consider proposals for revision.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.virginia.gov.

VIRGINIA WASTE MANAGEMENT BOARD

April 18, 2006 - 1 p.m. -- Open Meeting
Virginia Military Institute, Lexington, Virginia. 

A meeting of representatives of the State Air Pollution Control Board, Virginia Waste Management Board and State Water Control Board. An agenda will be available by March 20, 2006. An opportunity for public comment will be on the agenda. The meeting is the day before the Environment Virginia Conference.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

May 11, 2006 - 1 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the advisory committee assisting the Department in the development of amendments to the Regulations for the Development of Solid Waste Management Plans - 9 VAC 20-130.

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.

STATE WATER CONTROL BOARD

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 Tier III 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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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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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.

Calendar of Events

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.

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 Tier III 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.

April 18, 2006 - 1 p.m. -- Open Meeting
Virginia Military Institute, Lexington, Virginia. 

A meeting of representatives of the State Air Pollution Control Board, Virginia Waste Management Board and State Water Control Board. An agenda will be available by March 20, 2006. An opportunity for public comment will be on the agenda. The meeting is the day before the Environment Virginia Conference.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

April 27, 2006 - 9:30 a.m. -- Open Meeting

May 31, 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.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† June 21, 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. 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: 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.

THE COLLEGE OF WILLIAM AND MARY

† April 3, 2006 - 1 p.m. -- Open Meeting
William and Mary Washington Office, 1779 Massachusetts Avenue, NW, Washington, DC.  (Interpreter for the deaf provided upon request)

A meeting of the Committee on Financial Affairs. There will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA, telephone (757) 221-2630, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

† April 20, 2006 - 10:30 a.m. -- Open Meeting
Blow Memorial Hall, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

Board committees will receive reports from the administrations, faculty and students of Richard Bland College and the College of William and Mary. The meetings will be opening to the public, but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA, telephone (757) 221-2630, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

† April 21, 2006 - 8 a.m. -- Open Meeting
Blow Memorial Hall, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to receive reports from the committees of the board, the administrations of Richard Bland College and the College of William and Mary, and will act on those resolutions presented by the administrations of both institutions. The meetings are open to the public but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA, telephone (757) 221-2630, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **April 24, 2006 - 1 p.m.** -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia
☎ (Interpreter for the deaf provided upon request)

The following committees will meet:

Finance and Resource Development, Internal Policy, Public Policy, Priorities and Public Awareness, Nominating, and Ad Hoc Ombudsman.

This is a working session and no public comment will be taken. For further information, please contact Lisa Shehi at 1-800-552-3962.

Contact: Lisa Shehi, Executive 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.

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)

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
June 15, 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.

May 25, 2006 - 9 a.m. -- Open Meeting
June 15, 2006 - 9 a.m. -- Open Meeting
Virginia Retirement System, Investment Department, 1111 East Main Street, 3rd Floor Conference Room, Richmond Virginia ☎

A meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Linda Ritchey, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6673, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lritchey@varetire.org.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 3

- † Accountancy, Board of
- Alcoholic Beverage Control Board
- † Education, Board of
- † Library Board, State
- Nursing, Board of
- † William and Mary, The College of

April 4

- † Contractors, Board for
- † Environmental Quality, Department of
- Medicine, Board of
- Museum of Fine Arts, Virginia
- † Pharmacy, Board of

Calendar of Events

- Veterans Services, Department of
- Board of Veterans Services
- April 5**
Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Asbestos, Lead, and Home Inspectors, Virginia Board for
Geology, Board for
† Information Technologies Agency, Virginia
- Information Technology Investment Board
- E-911 Wireless Services Board
Veterinary Medicine, Board of
- April 6**
† Information Technologies Agency, Virginia
- Information Technology Investment Board
Outdoors Foundation, Virginia
Retirement System, Virginia
- April 7**
Art and Architectural Review Board
† Contractors, Board for
Health, Department of
- Sewage Handling and Disposal Advisory Committee
Medicine, Board of
† Mental Health, Mental Retardation and Substance Abuse
Services Board, State
Natural Resources, Foundation for Virginia's
† Nursing and Medicine, Joint Boards of
Old Dominion University
Opticians, Board for
Outdoors Foundation, Virginia
Social Work, Board of
- April 10**
† Environmental Quality, Department of
- April 11**
Arts, Virginia Commission for the
Blind and Vision Impaired, Department for the
† Contractors, Board for
Environmental Quality, Department of
Long-Term Care Administrators, Board of
Medical Assistance Services, Board of
Psychology, Board of
Resources Authority, Virginia
- April 12**
Arts, Virginia Commission for the
Juvenile Justice, State Board of
† Medicine, Board of
Nursing, Board of
Protection and Advocacy, Virginia Office for
- Disabilities Advisory Council
- April 13**
Auctioneers Board
† Conservation and Recreation, Department of
- Chippokes Plantation Farm Foundation
Nursing, Board of
- April 14**
† Dentistry, Board of
Medical Assistance Services, Department of
- April 17**
Alcoholic Beverage Control Board
- April 18**
Air Pollution Control Board, State
Arts, Virginia Commission for the
† Contractors, Board for
Forestry, Board of
† Health Professions, Board of
Nursing, Board of
† Treasury, Department of the
- Virginia College Building Authority
Waste Management Board, Virginia
Water Control Board, State
- April 19**
Medical Assistance Services, Department of
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
† Small Business Financing Authority, Virginia
Social Services, State Board of
- April 20**
Design-Build/Construction Management Review Board
Social Services, State Board of
† Transportation Board, Commonwealth
† William and Mary, The College of
- April 21**
Arts, Virginia Commission for the
Dentistry, Board of
† Housing and Community Development, Department of
- State Building Codes Technical Review Board
† William and Mary, The College of
- April 24**
Education, Board of
- Advisory Board on Teacher Education and Licensure
Nursing, Board of
† Protection and Advocacy, Virginia Office for
- April 25**
Arts, Virginia Commission for the
Conservation and Recreation, Department of
- Virginia Scenic River Board
Contractors, Board for
Marine Resources Commission
Nursing, Board of
Protection and Advocacy, Virginia Office for
- Board for Protection and Advocacy
- April 26**
† Compensation Board
Education, Board of
† Geology, Board for
- April 27**
Arts, Virginia Commission for the
Education, Board of
Medicine, Board of
Water Control Board, State
- April 29**
Conservation and Recreation, Department of
- Virginia Cave Board
- May 1**
Alcoholic Beverage Control Board
Barbers and Cosmetology, Board for
Branch Pilots, Board for
- May 2**
Arts, Virginia Commission for the
Museum of Fine Arts, Virginia
Real Estate Appraiser Board
† Resources Authority, Virginia

May 3

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Arts, Virginia Commission for the

May 4

Arts, Virginia Commission for the
Professional Soil Scientists and Wetland Professionals,
Board for

May 5

Art and Architectural Review Board
Arts, Virginia Commission for the
† Dentistry, Board of

May 9

Arts, Virginia Commission for the
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
Arts, Virginia Commission for the
Asbestos, Lead, and Home Inspectors, Virginia Board for
† Conservation and Recreation, Department of
† Real Estate Board
† Transportation Safety Board

May 11

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Arts, Virginia Commission for the
Child Day-Care Council
Conservation and Recreation, Department of
† Education, Board of
Governor's EMS Advisory Board
† Governor's Motorcycle Advisory Council
Medical Assistance Services, Department of
Real Estate Board
Waste Management Board, Virginia

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

† Accountancy, Board of
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Community Colleges, State Board for
Corrections, Board of
Education, Board of
Medical Assistance Services, Department of
Milk Commission, State
Nursing, Board of

May 18

† Aging, Commonwealth Council on

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

May 23

Contractors, Board for
Marine Resources Commission

May 24

Education, Board of
† Innovative Technology Authority

May 25

Jamestown-Yorktown Foundation
Retirement System, Virginia

May 26

Dentistry, Board of
Jamestown-Yorktown Foundation

May 31

Jamestown-Yorktown Foundation
Water Control Board, State

June 1

Nursing, Board of
† Polygraph Examiners Advisory Board

June 2

Art and Architectural Review Board

June 5

Alcoholic Beverage Control Board
Nursing, Board of

June 6

Arts, Virginia Commission for the
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care

June 7

Arts, Virginia Commission for the
Cemetery Board
Charitable Gaming Board
Conservation and Recreation, Department of
- Virginia Land Conservation Foundation
Information Technologies Agency, Virginia
- E-911 Wireless Services Board
Jamestown-Yorktown Foundation
Medicine, Board of
- Advisory Board on Acupuncture
- Advisory Board on Radiologic Technology
† Pharmacy, Board of

June 8

Conservation and Recreation, Department of
Dentistry, Board of
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants
Nursing, Board of

June 9

Dentistry, Board of

Calendar of Events

Medicine, Board of
- Advisory Board on Midwifery

June 10
† Blind and Vision Impaired, Department for the
- Rehabilitation Council for the Blind

June 12
Library Board
Nursing, Board of

June 13
Alzheimer's Disease and Related Disorders Commission
Medical Assistance Services, Board of

June 14
Juvenile Justice, State Board of

June 15
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Design-Build/Construction Management Review Board
Retirement System, Virginia

June 16
Old Dominion University

June 19
Alcoholic Beverage Control Board
Chesapeake Bay Local Assistance Board

June 20
Nursing, Board of

June 21
† Medical Assistance Services, Department of
† Nursing and Medicine, Joint Boards of
Outdoors Foundation, Virginia
† Waterworks and Wastewater Works Operators, Board for

June 22
† Medicine, Board of
Outdoors Foundation, Virginia
† Public Guardian and Conservator Advisory Board, Virginia

June 23
† Dentistry, Board of

June 27
† Contractors, Board for
† Marine Resources Commission
† Nursing, Board of

June 28
† Education, Board of
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of

PUBLIC HEARINGS

April 4
Water Control Board, State

April 6
Environmental Quality, Department of

April 7
Compensation Board

April 10
Higher Education for Virginia, State Council of

April 12
Environmental Quality, Department of

April 18
† Environmental Quality, Department of

May 2
† Mines, Minerals and Energy, Department of