



# Virginia Register of Regulations

VOL. 23 ISS. 4

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

OCTOBER 30, 2006

## TABLE OF CONTENTS

<b>Register Information Page</b> .....	549
<b>Publication Schedule and Deadlines</b> .....	550
<b>Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed</b> ....	551
<b>Petitions for Rulemaking</b> .....	570
<b>Notices of Intended Regulatory Action</b> .....	571
<b>Regulations</b> .....	574
4 VAC 20-20. Pertaining to the Licensing of Fixed Fishing Devices (Final) .....	574
4 VAC 20-610. Pertaining to Commercial Fishing and Mandatory Harvest Reporting (Final).....	575
4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (Final).....	577
4 VAC 20-1090. Pertaining to Licensing Requirements and License Fees (Final).....	581
9 VAC 20-85. Coal Combustion Byproduct Regulations (Final) .....	584
9 VAC 20-130. Solid Waste Planning and Recycling Regulations (Proposed) .....	589
14 VAC 5-30. Rules Governing Life Insurance and Annuity Replacements (Revised Proposed).....	604
14 VAC 5-45. Rules Governing Suitability in Annuity Transactions (Revised Proposed).....	618
18 VAC 41-70. Esthetics Regulations (Proposed) .....	621
18 VAC 110-20. Regulations Governing the Practice of Pharmacy (Final) .....	634
18 VAC 110-20. Regulations Governing the Practice of Pharmacy (Final) .....	635
18 VAC 110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (Final).....	635
18 VAC 110-50. Regulation Governing Wholesale Distributors, Manufacturers, and Warehouseurs (Final) .....	635
<b>Forms</b> .....	639
<b>General Notices/Errata</b> .....	642
<b>Calendar of Events</b>	
Executive.....	647
Independent.....	676
Legislative.....	677
Chronological List.....	679

---

# THE VIRGINIA REGISTER INFORMATION PAGE

---

**THE VIRGINIA REGISTER OF REGULATIONS** is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

## **ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS**

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission of Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date

specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

## **FAST-TRACK RULEMAKING PROCESS**

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

## **EMERGENCY REGULATIONS**

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## **STATEMENT**

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

## **CITATION TO THE VIRGINIA REGISTER**

The *Virginia Register* is cited by volume, issue, page number, and date. **18:23 VA.R. 2997-3011 July 29, 2002**, refers to Volume 18, Issue 23, pages 2997 through 3011 of the *Virginia Register* issued on July 29, 2002.

*The Virginia Register of Regulations* is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

**Members of the Virginia Code Commission: R. Steven Landes, Chairman; John S. Edwards, Vice Chairman; Ryan T. McDougle; Robert Hurt; Robert L. Calhoun; Frank S. Ferguson; E.M. Miller, Jr.; Thomas M. Moncure, Jr.; James F. Almand; S. Bernard Goodwyn.**

**Staff of the Virginia Register: Jane D. Chaffin, Registrar of Regulations; June T. Chandler, Assistant Registrar.**

---

# PUBLICATION SCHEDULE AND DEADLINES

---

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

---

## October 2006 through August 2007

Volume: Issue	Material Submitted By Noon*	Will Be Published On
<b>FINAL INDEX - Volume 22</b>		<b>October 2006</b>
23:4	October 11, 2006	October 30, 2006
23:5	October 25, 2006	November 13, 2006
23:6	November 8, 2006	November 27, 2006
23:7	November 21, 2006 (Tuesday)	December 11, 2006
<b>INDEX 1 Volume 23</b>		<b>January 2007</b>
23:8	December 6, 2006	December 25, 2006
23:9	December 19, 2006 (Tuesday)	January 8, 2007
23:10	January 3, 2007	January 22, 2007
23:11	January 17, 2007	February 5, 2007
23:12	January 31, 2007	February 19, 2007
23:13	February 14, 2007	March 5, 2007
23:14	February 28, 2007	March 19, 2007
<b>INDEX 2 Volume 23</b>		<b>April 2007</b>
23:15	March 14, 2007	April 2, 2007
23:16	March 28, 2007	April 16, 2007
23:17	April 11, 2007	April 30, 2007
23:18	April 25, 2007	May 14, 2007
23:19	May 9, 2007	May 28, 2007
23:20	May 23, 2007	June 11, 2007
<b>INDEX 3 Volume 23</b>		<b>July 2007</b>
23:21	June 6, 2007	June 25, 2007
23:22	June 20, 2007	July 9, 2007
23:23	July 3, 2007 (Tuesday)	July 23, 2007
23:24	July 18, 2007	August 6, 2007

\*Filing deadlines are Wednesdays unless otherwise specified.

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

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2006 VAC Supplement includes final regulations published through *Virginia Register* Volume 22, Issue 6, dated January 9, 2006). Emergency regulations, if any, are listed, followed by the designation “emer,” and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 1. Administration</b>			
1 VAC 50-10-10 through 1 VAC 50-10-50	Repealed	22:26 VA.R. 4083	10/4/06
1 VAC 50-10-60 through 1 VAC 50-10-150	Added	22:26 VA.R. 4084-4085	10/4/06
1 VAC 50-20-1	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-5	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-10	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-20	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-30	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-40	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-50	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-60 through 1 VAC 50-20-90	Repealed	22:26 VA.R. 4086-4087	10/4/06
1 VAC 50-20-100	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-110	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-120	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-130	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-140	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-142	Added	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-150 through 1 VAC 50-20-180	Amended	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-190 through 1 VAC 50-20-220	Repealed	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-230	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-240	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-250	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-260	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-270	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-280	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-290	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-300	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-310	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-320	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-330	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-340	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-350	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-360	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-370	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-380	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-382	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-384	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-390	Amended	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-400 through 1 VAC 50-20-530	Repealed	22:26 VA.R. 4091-4093	10/4/06
1 VAC 50-20-540 through 1 VAC 50-20-600	Amended	22:26 VA.R. 4093-4098	10/4/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
1 VAC 50-20-601	Added	22:26 VA.R. 4098	10/4/06
1 VAC 50-20-605	Added	22:26 VA.R. 4099	10/4/06
1 VAC 50-20-610	Amended	22:26 VA.R. 4100	10/4/06
1 VAC 50-20-612	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-614	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-616	Added	22:26 VA.R. 4102	10/4/06
1 VAC 50-20-620 through 1 VAC 50-20-670	Amended	22:26 VA.R. 4102-4105	10/4/06
1 VAC 50-20-680	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-690	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-700	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 55-30-10 through 1 VAC 55-30-90	Added	23:3 VA.R. 334-337	
<b>Title 2. Agriculture</b>			
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 5-195-10 through 2 VAC 5-195-180	Added	22:25 VA.R. 3872-3876	8/21/06
2 VAC 5-210-10	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-20	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-30	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-41	Added	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-40	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-50	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-60	Amended	22:24 VA.R. 3581	7/19/06
2 VAC 5-330-30	Amended	22:24 VA.R. 3587	9/7/06
2 VAC 5-390-180	Amended	22:14 VA.R. 2201	2/27/06
2 VAC 20-40-10	Amended	22:26 VA.R. 4105	10/5/06
2 VAC 20-40-20	Amended	22:26 VA.R. 4106	10/5/06
2 VAC 20-40-40	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-60	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-65	Added	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-70 through 2 VAC 20-40-110	Amended	22:26 VA.R. 4107-4109	10/5/06
2 VAC 20-40-120	Repealed	22:26 VA.R. 4109	10/5/06
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 5-36-50	Erratum	22:14 VA.R. 2216	--
4 VAC 5-40-10 through 4 VAC 5-40-350	Repealed	22:21 VA.R. 2801-2804	7/26/06
4 VAC 5-60-10 through 4 VAC 5-60-170	Repealed	22:21 VA.R. 2805-2807	7/26/06
4 VAC 10-30-10 through 4 VAC 10-30-350	Added	22:21 VA.R. 2801-2804	7/26/06
4 VAC 10-40-10 through 4 VAC 10-40-170	Added	22:21 VA.R. 2805-2807	7/26/06
4 VAC 15-20-65	Added	22:22 VA.R. 3089	7/1/06
4 VAC 15-20-130	Amended	22:19 VA.R. 2599	7/1/06
4 VAC 15-20-160	Amended	22:19 VA.R. 2600	7/1/06
4 VAC 15-40-30	Amended	22:19 VA.R. 2601	7/1/06
4 VAC 15-40-200	Amended	22:19 VA.R. 2601	7/1/06
4 VAC 15-40-285	Added	22:19 VA.R. 2601	7/1/06
4 VAC 15-50-71	Amended	22:19 VA.R. 2601	7/1/06
4 VAC 15-50-110	Amended	22:19 VA.R. 2602	7/1/06
4 VAC 15-50-120	Amended	22:19 VA.R. 2602	7/1/06
4 VAC 15-70-10	Amended	22:19 VA.R. 2602	7/1/06
4 VAC 15-70-60	Added	22:19 VA.R. 2602	7/1/06
4 VAC 15-90-22	Added	22:19 VA.R. 2603	7/1/06
4 VAC 15-90-70	Amended	22:19 VA.R. 2603	7/1/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-90-80	Amended	22:19 VA.R. 2604	7/1/06
4 VAC 15-90-80	Amended	22:22 VA.R. 3091	7/1/06
4 VAC 15-90-90	Amended	22:19 VA.R. 2605	7/1/06
4 VAC 15-90-91	Added	22:19 VA.R. 2605	7/1/06
4 VAC 15-90-100 through 4 VAC 15-90-121	Repealed	22:19 VA.R. 2608-2609	7/1/06
4 VAC 15-90-141	Repealed	22:19 VA.R. 2609	7/1/06
4 VAC 15-90-160	Repealed	22:19 VA.R. 2609	7/1/06
4 VAC 15-90-170	Repealed	22:19 VA.R. 2609	7/1/06
4 VAC 15-90-190 through 4 VAC 15-90-220	Repealed	22:19 VA.R. 2609-2610	7/1/06
4 VAC 15-90-291	Added	22:19 VA.R. 2610	7/1/06
4 VAC 15-90-292	Added	22:19 VA.R. 2610	7/1/06
4 VAC 15-110-20	Amended	22:19 VA.R. 2613	7/1/06
4 VAC 15-120-10	Amended	22:19 VA.R. 2614	7/1/06
4 VAC 15-170-21	Added	22:19 VA.R. 2614	7/1/06
4 VAC 15-190-10	Amended	22:19 VA.R. 2614	7/1/06
4 VAC 15-200-10	Amended	22:19 VA.R. 2614	7/1/06
4 VAC 15-210-10 and 4 VAC 15-210-20	Amended	22:19 VA.R. 2615	7/1/06
4 VAC 15-230-21	Added	22:19 VA.R. 2615	7/1/06
4 VAC 15-230-40	Repealed	22:19 VA.R. 2615	7/1/06
4 VAC 15-230-61	Added	22:19 VA.R. 2616	7/1/06
4 VAC 15-240-10	Amended	22:19 VA.R. 2616	7/1/06
4 VAC 15-240-20	Amended	22:19 VA.R. 2616	7/1/06
4 VAC 15-240-31	Amended	22:19 VA.R. 2616	7/1/06
4 VAC 15-320-25	Amended	22:19 VA.R. 2617	7/1/06
4 VAC 15-320-100	Amended	22:16 VA.R. 2370	5/17/06
4 VAC 15-330-50	Amended	22:19 VA.R. 2623	7/1/06
4 VAC 15-330-140	Amended	22:19 VA.R. 2623	7/1/06
4 VAC 15-330-160	Amended	22:19 VA.R. 2623	7/1/06
4 VAC 15-340-10	Amended	22:19 VA.R. 2624	7/1/06
4 VAC 15-340-30	Amended	22:19 VA.R. 2624	7/1/06
4 VAC 15-340-40	Amended	22:19 VA.R. 2624	7/1/06
4 VAC 15-360-10	Amended	22:19 VA.R. 2625	7/1/06
4 VAC 15-360-30	Amended	22:19 VA.R. 2626	7/1/06
4 VAC 15-360-70	Added	22:19 VA.R. 2626	7/1/06
4 VAC 20-20-20	Amended	22:10 VA.R. 1551	12/22/05
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 20-150-10 emer	Amended	22:20 VA.R. 2716	5/29/06-6/28/06
4 VAC 20-150-70 emer	Amended	22:20 VA.R. 2716	5/29/06-6/28/06
4 VAC 20-150-70	Amended	22:23 VA.R. 3277	6/28/06
4 VAC 20-252-30	Amended	22:23 VA.R. 3277	7/1/06
4 VAC 20-252-50	Amended	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-55	Amended	22:15 VA.R. 2280	3/2/06
4 VAC 20-252-115	Added	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-150	Amended	22:15 VA.R. 2280	3/2/06
4 VAC 20-450-30	Amended	22:20 VA.R. 2704	5/26/06
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 20-530-20	Amended	22:16 VA.R. 2371	3/31/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 20-530-30	Amended	22:16 VA.R. 2371	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 20-530-31	Amended	22:16 VA.R. 2371	3/31/06
4 VAC 20-530-32 emer	Added	22:14 VA.R. 2209	3/2/06-3/31/06
4 VAC 20-530-32	Added	22:16 VA.R. 2371	3/31/06
4 VAC 20-530-35	Repealed	22:12 VA.R. 2035	1/27/06
4 VAC 20-560-20 emer	Amended	22:16 VA.R. 2387	3/30/06-4/28/06
4 VAC 20-560-20	Amended	22:19 VA.R. 2626	4/28/06
4 VAC 20-560-40 emer	Amended	22:16 VA.R. 2388	3/30/06-4/28/06
4 VAC 20-560-40	Amended	22:19 VA.R. 2627	4/28/06
4 VAC 20-560-50 emer	Amended	22:16 VA.R. 2388	3/30/06-4/28/06
4 VAC 20-560-50	Amended	22:19 VA.R. 2628	4/28/06
4 VAC 20-566-30	Amended	22:25 VA.R. 3877	8/1/06
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	22:10 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 20-720-70	Amended	22:10 VA.R. 1553	1/1/06
4 VAC 20-720-75	Amended	22:10 VA.R. 1553	1/1/06
4 VAC 20-900-10 through 4 VAC 20-900-30	Amended	22:23 VA.R. 3279-3280	7/1/06
4 VAC 20-900-25	Amended	22:10 VA.R. 1553	12/22/05
4 VAC 20-900-30	Amended	22:10 VA.R. 1554	12/22/05
4 VAC 20-910-45	Amended	22:10 VA.R. 1555	12/30/05
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	22:10 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 20-1040-20	Amended	22:10 VA.R. 1555	1/1/06
4 VAC 20-1100-10 through 4 VAC 20-1100-30	Added	22:19 VA.R. 2628	7/1/06
4 VAC 25-31 (Forms)	Amended	22:16 VA.R. 2389	--
4 VAC 25-35 (Forms)	Amended	22:16 VA.R. 2389	--
4 VAC 25-40 (Forms)	Amended	22:16 VA.R. 2389	--
4 VAC 25-130 (Forms)	Amended	22:16 VA.R. 2390	--
4 VAC 25-130-816.11	Amended	22:24 VA.R. 3587	9/6/06
4 VAC 25-130-816.64	Amended	22:24 VA.R. 3588	9/6/06
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-120-80	Amended	22:20 VA.R. 2704	7/12/06
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 20-240-10 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 35-10-10 through 6 VAC 35-10-50	Amended	23:1 VA.R. 25-26	10/18/06
6 VAC 35-10-60	Repealed	23:1 VA.R. 26	10/18/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 35-10-70 through 100	Amended	23:1 VA.R. 26-27	10/18/06
6 VAC 35-10-105	Added	23:1 VA.R. 27	10/18/06
6 VAC 35-10-110	Amended	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120 through 6 VAC 35-10-150	Added	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120	Amended	23:1 VA.R. 28	10/18/06
6 VAC 40-10-10 through 6 VAC 40-10-90	Added	22:24 VA.R. 3746-3747	10/25/06
6 VAC 40-20-10 through 6 VAC 40-20-200	Added	22:10 VA.R. 1556-1559	2/22/06
6 VAC 40-20 (Forms)	Added	22:16 VA.R. 2392	--
6 VAC 40-30-10 through 6 VAC 40-30-80	Added	22:10 VA.R. 1559-1560	2/22/06
6 VAC 40-30-10	Amended	22:21 VA.R. 2807	7/26/06
6 VAC 40-30-20	Amended	22:21 VA.R. 2807	7/26/06
6 VAC 40-30-50	Amended	22:21 VA.R. 2807	7/26/06
6 VAC 40-40-10 through 6 VAC 40-40-110	Added	22:10 VA.R. 1561-1562	2/22/06
6 VAC 40-50-10 through 6 VAC 40-50-80 emer	Added	22:23 VA.R. 3406-3407	7/1/06-6/30/07
<b>Title 8. Education</b>			
8 VAC 20-21-10 through 8 VAC 20-21-730	Repealed	23:3 VA.R. 337	11/28/06
8 VAC 20-22-10 through 8 VAC 20-22-760	Added	23:3 VA.R. 344-376	11/28/06
8 VAC 20-131-5	Added	22:24 VA.R. 3589	9/7/06
8 VAC 20-131-10	Amended	22:24 VA.R. 3590	9/7/06
8 VAC 20-131-20	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-30	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-40	Repealed	22:24 VA.R. 3592	9/7/06
8 VAC 20-131-50 through 8 VAC 20-131-110	Amended	22:24 VA.R. 3592-3598	9/7/06
8 VAC 20-131-140	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-150	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-160	Repealed	22:24 VA.R. 3599	9/7/06
8 VAC 20-131-170 through 8 VAC 20-131-210	Amended	22:24 VA.R. 3599-3600	9/7/06
8 VAC 20-131-240	Amended	22:24 VA.R. 3600	9/7/06
8 VAC 20-131-260 through 8 VAC 20-131-310	Amended	22:24 VA.R. 3601-3607	9/7/06
8 VAC 20-131-315	Added	22:24 VA.R. 3607	9/7/06
8 VAC 20-131-320	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-325	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-330	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-340	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-350	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131-360	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131, Appendix I	Repealed	22:24 VA.R. 3609	9/7/06
8 VAC 20-520-10	Repealed	22:21 VA.R. 2922	9/15/06
8 VAC 20-521-10 through 8 VAC 20-521-60	Added	22:21 VA.R. 2922-2924	9/15/06
8 VAC 20-521-30	Amended	22:26 VA.R. 4110	10/4/06
8 VAC 20-541-10 through 8 VAC 20-541-60	Repealed	23:3 VA.R. 376	11/29/06
8 VAC 20-542-10 through 8 VAC 20-542-600	Added	23:3 VA.R. 376-434	11/29/06
8 VAC 20-660-10 through 8 VAC 20-660-40	Added	22:22 VA.R. 3092-3094	8/23/06
8 VAC 40-30	Repealed	22:23 VA.R. 3281	8/24/06
8 VAC 40-31-10 through 8 VAC 40-31-320	Added	22:23 VA.R. 3281-3298	8/24/06
<b>Title 9. Environment</b>			
9 VAC 5-20-21	Amended	22:26 VA.R. 4111	10/4/06
9 VAC 5-20-203	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-204	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-206	Amended	22:26 VA.R. 4114	10/4/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-300	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-5060	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-5200	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5600	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5610	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5620	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5630	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5631	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5641	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5700	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5720	Amended	22:26 VA.R. 4117	10/4/06
9 VAC 5-40-5750	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-6970	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7050	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7120	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7130	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7140	Amended	22:26 VA.R. 4122	10/4/06
9 VAC 5-40-7210	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7240	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7250	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7260	Amended	22:26 VA.R. 4125	10/4/06
9 VAC 5-40-7270	Amended	22:26 VA.R. 4136	10/4/06
9 VAC 5-40-7300	Amended	22:26 VA.R. 4139	10/4/06
9 VAC 5-40-7330	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7360	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7800	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-40-7880	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-50-250	Amended	22:23 VA.R. 3301	9/1/06
9 VAC 5-50-270	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-50-280	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1100	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1110	Amended	22:23 VA.R. 3303	9/1/06
9 VAC 5-80-1310	Repealed	22:23 VA.R. 3308	9/1/06
9 VAC 5-80-1605	Added	22:23 VA.R. 3309	9/1/06
9 VAC 5-80-1615	Added	22:23 VA.R. 3310	9/1/06
9 VAC 5-80-1625	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1635	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1645	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1655	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1665	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1675	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1685	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1695	Added	22:23 VA.R. 3323	9/1/06
9 VAC 5-80-1700	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1705	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1710	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1715	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1720	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1725	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1730	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1735	Added	22:23 VA.R. 3324	9/1/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-1740	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1745	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1750	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1755	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1760	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1765	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1770	Repealed	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1775	Added	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1780	Repealed	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1785	Added	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1790	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1795	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1800	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1805	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1810	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1815	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1820	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1825	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1830	Repealed	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1835	Added	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1840	Repealed	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1845	Added	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1850	Repealed	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1855	Added	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1860	Repealed	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1865	Added	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1870 through 9 VAC 5-80-1920	Repealed	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1925	Added	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1930	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1935	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1940	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1945	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1950	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1955	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1960	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1965	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1970	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1975	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1985	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-1995	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:23 VA.R. 3343-3355	9/1/06
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:23 VA.R. 3355-3358	9/1/06
9 VAC 5-80-2090	Amended	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2091	Added	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:23 VA.R. 3359-3362	9/1/06
9 VAC 5-80-2141 through 9 VAC 5-80-2143	Added	22:23 VA.R. 3362-3366	9/1/06
9 VAC 5-80-2144	Added	22:23 VA.R. 3367	9/1/06
9 VAC 5-80-2180	Amended	22:23 VA.R. 3372	9/1/06
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:23 VA.R. 3373-3375	9/1/06
9 VAC 20-60-18	Amended	22:23 VA.R. 3375	8/23/06
9 VAC 20-170-70	Amended	22:21 VA.R. 2808	7/26/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-10	Amended	22:24 VA.R. 3610	9/6/06
9 VAC 25-31-30	Amended	22:24 VA.R. 3619	9/6/06
9 VAC 25-31-80	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-100	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-165	Added	22:24 VA.R. 3637	9/6/06
9 VAC 25-31-220	Amended	22:24 VA.R. 3651	9/6/06
9 VAC 25-31-290	Amended	22:24 VA.R. 3656	9/6/06
9 VAC 25-31-770	Amended	22:24 VA.R. 3657	9/6/06
9 VAC 25-31-780	Amended	22:24 VA.R. 3658	9/6/06
9 VAC 25-31-790	Amended	22:24 VA.R. 3662	9/6/06
9 VAC 25-31-800	Amended	22:24 VA.R. 3667	9/6/06
9 VAC 25-31-840	Amended	22:24 VA.R. 3670	9/6/06
9 VAC 25-31-870	Amended	22:24 VA.R. 3677	9/6/06
9 VAC 25-194-40	Amended	22:16 VA.R. 2372	5/17/06
9 VAC 25-194-70	Amended	22:16 VA.R. 2372	5/17/06
9 VAC 25-260-5	Amended	23:1 VA.R. 41	*
9 VAC 25-260-30	Amended	22:26 VA.R. 4142	*
9 VAC 25-260-30	Amended	23:1 VA.R. 38	*
9 VAC 25-260-50	Amended	23:1 VA.R. 42	*
9 VAC 25-260-187	Added	23:1 VA.R. 42	*
9 VAC 25-260-310	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-260-310	Amended	23:1 VA.R. 44	*
9 VAC 25-260-410	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-260-480	Amended	23:1 VA.R. 46	*
9 VAC 25-260-530	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-660-10	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-10 through 9 VAC 25-660-100	Amended	22:21 VA.R. 2809-2824	8/1/06
9 VAC 25-660-60	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-660-95	Added	22:21 VA.R. 2817	8/1/06
9 VAC 25-670-10	Erratum	22:12 VA.R. 2063	--
9 VAC 25-670-10 through 9 VAC 25-670-100	Amended	22:21 VA.R. 2824-2845	8/1/06
9 VAC 25-670-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-670-95	Added	22:21 VA.R. 2833	8/1/06
9 VAC 25-670-100	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-10 through 9 VAC 25-680-100	Amended	22:21 VA.R. 2845-2866	8/1/06
9 VAC 25-680-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-80	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-95	Added	22:21 VA.R. 2854	8/1/06
9 VAC 25-680-100	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-10 through 9 VAC 25-690-100	Amended	22:21 VA.R. 2867-2889	8/1/06
9 VAC 25-690-30	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-50	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-690-95	Added	22:21 VA.R. 2876	8/1/06
9 VAC 25-690-100	Erratum	22:12 VA.R. 2063	--

\* Upon filing notice of EPA approval with the Registrar of Regulations.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-720-60	Erratum	22:12 VA.R. 2064	--
9 VAC 25-720-110	Amended	22:16 VA.R. 2378	5/17/06
9 VAC 25-720-120	Erratum	22:12 VA.R. 2064	--
9 VAC 25-780-30	Amended	22:21 VA.R. 2889	7/26/06
9 VAC 25-820-10 through 9 VAC 25-820-70	Added	23:2 VA.R. 231-251	11/1/06
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-160-10	Amended	22:18 VA.R. 2514	9/1/06
10 VAC 5-160-20	Amended	22:18 VA.R. 2514	9/1/06
10 VAC 5-160-30	Amended	22:18 VA.R. 2515	9/1/06
10 VAC 5-160-60	Added	22:18 VA.R. 2516	9/1/06
10 VAC 5-200-80	Amended	22:11 VA.R. 1769	3/1/06
<b>Title 11. Gaming</b>			
11 VAC 5-20-200	Amended	22:25 VA.R. 3907	11/6/06
11 VAC 5-20-210 through 11 VAC 5-20-520	Repealed	22:25 VA.R. 3907-3914	11/6/06
11 VAC 10-20-240	Amended	22:11 VA.R. 1771	3/8/06
11 VAC 10-20-260	Amended	22:15 VA.R. 2281	3/7/06
11 VAC 10-70-20	Amended	22:20 VA.R. 2705	5/19/06-9/4/06
11 VAC 10-70-20	Amended	22:25 VA.R. 3916	11/4/06
11 VAC 10-70-20	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-30	Amended	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-30	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-30	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-40	Amended	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-40	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-40	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-50	Repealed	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-50	Repealed	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-50	Repealed	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-60	Amended	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-60 through 11 VAC 10-70-90	Amended	22:25 VA.R. 3917-3918	11/4/06
11 VAC 10-70-60	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-70	Amended	22:20 VA.R. 2707	5/19/06-9/4/06
11 VAC 10-70-70	Amended	22:26 VA.R. 4145	9/4/06-11/3/06
11 VAC 10-70-80	Amended	22:20 VA.R. 2707	5/19/06-9/4/06
11 VAC 10-70-80	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-90	Amended	22:20 VA.R. 2707	5/19/06-9/4/06
11 VAC 10-70-90	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-170	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-70-170	Amended	22:25 VA.R. 3918	11/4/06
11 VAC 10-70-170	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-10	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-90-10	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-10	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-30	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-90-30	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-30	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-50	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-90-50	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-50	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 15-22-10 through 11 VAC 15-22-80	Amended	22:22 VA.R. 3095-3104	8/9/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 15-22-110	Amended	22:22 VA.R. 3104	8/9/06
11 VAC 15-22-120	Amended	22:22 VA.R. 3105	8/9/06
11 VAC 15-31-10 through 11 VAC 15-31-60	Amended	22:22 VA.R. 3106-3112	8/9/06
<b>Title 12. Health</b>			
12 VAC 5-480-10 through 12 VAC 5-480-8920	Repealed	22:25 VA.R. 3877	9/20/06
12 VAC 5-481-10 through 12 VAC 5-481-3670	Added	22:25 VA.R. 3877	9/20/06
12 VAC 5-585-70	Amended	23:3 VA.R. 438	11/9/06
12 VAC 5-585-510	Amended	23:3 VA.R. 438	11/9/06
12 VAC 5-585-600 through 12 VAC 5-585-630	Amended	23:3 VA.R. 442-450	11/9/06
12 VAC 5-590-10	Amended	22:24 VA.R. 3677	9/6/06
12 VAC 5-590-370	Amended	22:15 VA.R. 2282	5/3/06
12 VAC 5-590-370	Amended	22:24 VA.R. 3683	9/6/06
12 VAC 5-590-400	Amended	22:15 VA.R. 2306	5/3/06
12 VAC 5-590-410	Amended	22:15 VA.R. 2307	5/3/06
12 VAC 5-590-410	Amended	22:24 VA.R. 3708	9/6/06
12 VAC 5-590-440	Amended	22:15 VA.R. 2310	5/3/06
12 VAC 5-590-440	Amended	22:24 VA.R. 3711	9/6/06
12 VAC 5-590-505	Added	23:1 VA.R. 47	10/18/06
12 VAC 5-590-530	Amended	22:21 VA.R. 2890	7/26/06
12 VAC 5-590, Appendix B	Amended	22:15 VA.R. 2313	5/3/06
12 VAC 5-590, Appendix N	Amended	22:15 VA.R. 2313	5/3/06
12 VAC 5-590, Appendix N	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 5-590-540	Amended	22:15 VA.R. 2313	5/3/06
12 VAC 5-590-545	Amended	22:24 VA.R. 3712	9/6/06
12 VAC 5-590-820	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 30-40-10	Amended	22:23 VA.R. 3376	8/23/06
12 VAC 30-40-290	Amended	22:23 VA.R. 3377	8/23/06
12 VAC 30-40-300	Amended	22:23 VA.R. 3379	8/23/06
12 VAC 30-40-360	Added	22:23 VA.R. 3385	8/23/06
12 VAC 30-50-10	Amended	22:16 VA.R. 2382	7/3/06
12 VAC 30-50-120	Amended	22:16 VA.R. 2383	7/3/06
12 VAC 30-50-140	Amended	22:16 VA.R. 2383	7/3/06
12 VAC 30-50-150	Amended	22:16 VA.R. 2385	7/3/06
12 VAC 30-50-190	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-60-40	Amended	22:22 VA.R. 3112	8/9/06
12 VAC 30-60-350	Added	22:22 VA.R. 3112	8/9/06
12 VAC 30-70-221 emer	Amended	22:26 VA.R. 4183	9/4/06-9/3/07
12 VAC 30-70-291	Amended	22:23 VA.R. 3388	8/23/06
12 VAC 30-70-301	Amended	22:25 VA.R. 3921	11/6/06
12 VAC 30-70-425	Amended	22:23 VA.R. 3389	8/23/06
12 VAC 30-70-426	Repealed	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-20	Amended	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-30	Amended	22:23 VA.R. 3393	8/23/06
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 30-90-19	Amended	22:23 VA.R. 3395	8/23/06
12 VAC 30-90-41	Amended	22:22 VA.R. 3112	8/9/06
12 VAC 30-110-90	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-370	Amended	22:26 VA.R. 4168	11/20/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-110-710	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-110-960	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-120-10 through 12 VAC 30-120-60	Repealed	22:10 VA.R. 1638	2/22/06
12 VAC 30-120-211	Amended	22:19 VA.R. 2629	6/28/06
12 VAC 30-120-213	Amended	22:19 VA.R. 2632	6/28/06
12 VAC 30-120-215	Amended	22:19 VA.R. 2633	6/28/06
12 VAC 30-120-215	Amended	22:24 VA.R. 3718	9/6/06
12 VAC 30-120-217	Amended	22:19 VA.R. 2637	6/28/06
12 VAC 30-120-219	Amended	22:19 VA.R. 2639	6/28/06
12 VAC 30-120-221	Amended	22:19 VA.R. 2640	6/28/06
12 VAC 30-120-223	Amended	22:19 VA.R. 2641	6/28/06
12 VAC 30-120-225	Amended	22:19 VA.R. 2643	6/28/06
12 VAC 30-120-227	Amended	22:19 VA.R. 2647	6/28/06
12 VAC 30-120-229	Amended	22:19 VA.R. 2648	6/28/06
12 VAC 30-120-231	Amended	22:19 VA.R. 2649	6/28/06
12 VAC 30-120-233	Amended	22:19 VA.R. 2650	6/28/06
12 VAC 30-120-237	Amended	22:19 VA.R. 2653	6/28/06
12 VAC 30-120-241	Amended	22:19 VA.R. 2654	6/28/06
12 VAC 30-120-243	Repealed	22:19 VA.R. 2656	6/28/06
12 VAC 30-120-245	Amended	22:19 VA.R. 2658	6/28/06
12 VAC 30-120-247	Amended	22:19 VA.R. 2658	6/28/06
12 VAC 30-120-249	Amended	22:19 VA.R. 2660	6/28/06
12 VAC 30-120-280	Amended	22:26 VA.R. 4170	11/20/06
12 VAC 30-120-290	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-310	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-320	Amended	22:26 VA.R. 4173	11/20/06
12 VAC 30-120-380	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-120-490 through 12 VAC 30-120-550	Repealed	22:10 VA.R. 1638	2/22/06
12 VAC 30-120-720	Amended	22:24 VA.R. 3721	9/6/06
12 VAC 30-120-900 through 12 VAC 30-120-980	Added	22:10 VA.R. 1638-1661	2/22/06
12 VAC 30-120-920	Amended	22:24 VA.R. 3724	9/6/06
12 VAC 30-141-10	Amended	22:26 VA.R. 4147	10/4/06
12 VAC 30-141-40	Amended	22:26 VA.R. 4149	10/4/06
12 VAC 30-141-100	Amended	22:26 VA.R. 4150	10/4/06
12 VAC 30-141-160	Amended	22:26 VA.R. 4151	10/4/06
12 VAC 30-141-170	Repealed	22:26 VA.R. 4152	10/4/06
12 VAC 30-141-175	Added	22:26 VA.R. 4153	10/4/06
12 VAC 30-141-200	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-141-200	Amended	22:26 VA.R. 4155	10/4/06
12 VAC 30-141-500	Amended	22:16 VA.R. 2385	7/3/06
12 VAC 30-141-500	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-150-40	Amended	22:25 VA.R. 3924	11/6/06
12 VAC 30-150-50	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-70	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-80	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 30-150-90	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 35-45-10	Amended	22:10 VA.R. 1684	12/30/05-12/29/06
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 35-115-10 through 12 VAC 35-115-150	Amended	23:1 VA.R. 50-79	10/18/06
12 VAC 35-115-145	Added	23:1 VA.R. 76	10/18/06
12 VAC 35-115-146	Added	23:1 VA.R. 77	10/18/06
12 VAC 35-115-160	Repealed	23:1 VA.R. 79	10/18/06
12 VAC 35-115-170 through 12 VAC 35-115-250	Amended	23:1 VA.R. 79-91	10/18/06
<b>Title 13. Housing</b>			
13 VAC 5-51-132	Amended	22:20 VA.R. 2709	7/12/06
13 VAC 5-63-40	Amended	22:20 VA.R. 2710	7/12/06
13 VAC 5-63-480	Amended	22:20 VA.R. 2712	7/12/06
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
<b>Title 14. Insurance</b>			
14 VAC 5-30-20	Erratum	22:24 VA.R. 3755	--
14 VAC 5-30-80	Erratum	22:24 VA.R. 3755	--
14 VAC 5-260 (Forms)	Amended	22:22 VA.R. 3140	--
14 VAC 5-260 (Forms)	Erratum	22:24 VA.R. 3756	--
14 VAC 5-260-10	Amended	23:2 VA.R. 253	10/2/06
14 VAC 5-260-20	Repealed	23:2 VA.R. 253	10/2/06
14 VAC 5-260-30 through 14 VAC 5-260-60	Amended	23:2 VA.R. 253-257	10/2/06
14 VAC 5-260-80	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-90	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-110	Added	23:2 VA.R. 258	10/2/06
<b>Title 16. Labor and Employment</b>			
16 VAC 25-60-10	Amended	22:25 VA.R. 3878	9/21/06
16 VAC 25-60-30	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-40	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-80	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-90	Amended	22:25 VA.R. 3880	9/21/06
16 VAC 25-60-100	Amended	22:25 VA.R. 3881	9/21/06
16 VAC 25-60-120 through 16 VAC 25-60-150	Amended	22:25 VA.R. 3882-3883	9/21/06
16 VAC 25-60-190	Amended	22:25 VA.R. 3883	9/21/06
16 VAC 25-60-260	Amended	22:25 VA.R. 3884	9/21/06
16 VAC 25-60-300	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-320	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-340	Amended	22:25 VA.R. 3886	9/21/06
16 VAC 25-90-1910.6	Amended	22:18 VA.R. 2518	6/15/06
16 VAC 25-90-1910.95	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.106	Amended	22:18 VA.R. 2518	6/15/06
16 VAC 25-90-1910.134	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.142	Amended	22:18 VA.R. 2518	6/15/06
16 VAC 25-90-1910.178	Amended	22:18 VA.R. 2517	6/15/06
16 VAC 25-90-1910.178	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.243	Amended	22:18 VA.R. 2518	6/15/06
16 VAC 25-90-1910.254	Amended	22:18 VA.R. 2518	6/15/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-90-1910.265	Amended	22:18 VA.R. 2518	6/15/06
16 VAC 25-90-1910.266	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.441	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1000	Amended	22:18 VA.R. 2519	6/15/06
16 VAC 25-90-1910.1000	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1017	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1018	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1020	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1025	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1026	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-90-1910.1027	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1028	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1029	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1030	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1043	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1045	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1047	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1048	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1050	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1051	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1052	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1450	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1000	Amended	22:18 VA.R. 2519	6/15/06
16 VAC 25-100-1915.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1026	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-120-1917.1	Amended	22:18 VA.R. 2519	6/15/06
16 VAC 25-130-1918.1	Amended	22:18 VA.R. 2519	6/15/06
16 VAC 25-175-1926, Appendix B of Subpart R	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926, Appendix A to Subpart W	Added	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.55	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-175-1926.60	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.62	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.754	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.754	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1002	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.1003	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.1092	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1101	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1126	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-175-1926.1127	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-190-1928, Appendix B to Subpart C	Added	22:18 VA.R. 2520	6/15/06
16 VAC 25-190-1928.51	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-190-1928.52	Added	22:18 VA.R. 2520	6/15/06
16 VAC 25-190-1928.53, Appendix B to Subpart C	Added	22:18 VA.R. 2520	6/15/06
<b>Title 17. Libraries and Cultural Resources</b>			
17 VAC 10-30-10 through 17 VAC 10-30-160	Added	22:13 VA.R. 2132-2140	4/5/06
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-21-10 through 18 VAC 5-21-40	Amended	22:22 VA.R. 3113-3118	8/9/06
18 VAC 5-21-20	Amended	22:22 VA.R. 3136	9/23/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 5-21-170	Amended	22:22 VA.R. 3118	8/9/06
18 VAC 10-20-10	Amended	23:1 VA.R. 96	2/1/07
18 VAC 10-20-15	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-17	Added	23:1 VA.R. 97	2/1/07
18 VAC 10-20-20	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-25	Added	23:1 VA.R. 98	2/1/07
18 VAC 10-20-30	Repealed	23:1 VA.R. 98	2/1/07
18 VAC 10-20-60	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-35 through 18 VAC 10-20-55	Amended	23:1 VA.R. 98-99	2/1/07
18 VAC 10-20-70	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-75	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-80	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-85	Added	23:1 VA.R. 99	2/1/07
18 VAC 10-20-90 through 18 VAC 10-20-420	Amended	23:1 VA.R. 99-110	2/1/07
18 VAC 10-20-440 through 18 VAC 10-20-560	Amended	23:1 VA.R. 110-113	2/1/07
18 VAC 10-20-565	Repealed	23:1 VA.R. 114	2/1/07
18 VAC 10-20-570 through 18 VAC 10-20-620	Amended	23:1 VA.R. 113-116	2/1/07
18 VAC 10-20-625	Repealed	23:1 VA.R. 116	2/1/07
18 VAC 10-20-630 through 18 VAC 10-20-660	Amended	23:1 VA.R. 116-117	2/1/07
18 VAC 10-20-665	Repealed	23:1 VA.R. 117	2/1/07
18 VAC 10-20-670 through 18 VAC 10-20-795	Amended	23:1 VA.R. 117-122	2/1/07
18 VAC 15-20-20	Amended	23:3 VA.R. 451	12/1/06
18 VAC 15-20-30	Repealed	23:3 VA.R. 453	12/1/06
18 VAC 15-20-31	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-32	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-33	Added	23:3 VA.R. 457	12/1/06
18 VAC 15-20-34	Added	23:3 VA.R. 458	12/1/06
18 VAC 15-20-40	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-50	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-51	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-52	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-53	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-60	Amended	23:3 VA.R. 460	12/1/06
18 VAC 15-20-70	Amended	23:3 VA.R. 460	12/1/06
18 VAC 15-20-80 through 18 VAC 15-20-150	Repealed	23:3 VA.R. 461	12/1/06
18 VAC 15-20-250 through 18 VAC 15-20-361	Repealed	23:3 VA.R. 461-463	12/1/06
18 VAC 15-20-400 through 18 VAC 15-20-451	Amended	23:3 VA.R. 464-466	12/1/06
18 VAC 15-20-453	Amended	23:3 VA.R. 466	12/1/06
18 VAC 15-20-456	Amended	23:3 VA.R. 466	12/1/06
18 VAC 15-20-459.6 through 18 VAC 15-20-460	Repealed	23:3 VA.R. 466-468	12/1/06
18 VAC 15-20-461	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-462	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-463	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-464	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-470	Amended	23:3 VA.R. 469	12/1/06
18 VAC 15-30-30	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-40	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-50	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-51 through 18 VAC 15-30-54	Added	23:3 VA.R. 472-475	12/1/06
18 VAC 15-30-100 through 18 VAC 15-30-330	Repealed	23:3 VA.R. 475-481	12/1/06
18 VAC 15-30-161 through 18 VAC 15-30-167	Added	23:3 VA.R. 477-479	12/1/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 15-30-332	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-334	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-420	Amended	23:3 VA.R. 481	12/1/06
18 VAC 15-30-510	Amended	23:3 VA.R. 482	12/1/06
18 VAC 15-30-810	Amended	23:3 VA.R. 483	12/1/06
18 VAC 15-30-820	Amended	23:3 VA.R. 484	12/1/06
18 VAC 25-21-70	Amended	22:26 VA.R. 4155	11/1/06
18 VAC 25-21 (Forms)	Amended	22:26 VA.R. 4155	--
18 VAC 30-20-80	Amended	22:14 VA.R. 2205	4/19/06
18 VAC 30-20-80 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-170 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-171 emer	Added	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 41-30-10 through 18 VAC 41-30-250	Added	23:1 VA.R. 124-131	11/1/06
18 VAC 41-50-10 through 18 VAC 41-50-420	Added	22:25 VA.R. 3887-3900	10/1/06
18 VAC 50-22-40 emer	Amended	23:1 VA.R. 131	8/21/06-8/20/07
18 VAC 50-22-50 emer	Amended	23:1 VA.R. 132	8/21/06-8/20/07
18 VAC 50-22-60 emer	Amended	23:1 VA.R. 133	8/21/06-8/20/07
18 VAC 50-22-300 through 18 VAC 50-22-350 emer	Added	23:1 VA.R. 134	8/21/06-8/20/07
18 VAC 60-20-10	Amended	22:23 VA.R. 3397	8/23/06
18 VAC 60-20-20	Amended	22:23 VA.R. 3398	8/23/06
18 VAC 60-20-30	Amended	22:15 VA.R. 2320	5/3/06
18 VAC 60-20-71	Added	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-100	Amended	22:24 VA.R. 3749	10/23/06
18 VAC 60-20-105	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-106	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-108	Amended	22:26 VA.R. 4175	11/18/06
18 VAC 60-20-210	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 60-20-230	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 65-20-60	Amended	22:21 VA.R. 2897	7/26/06
18 VAC 65-20-110	Amended	22:12 VA.R. 2036	3/22/06
18 VAC 65-20-500	Amended	22:21 VA.R. 2897	7/26/06
18 VAC 65-20-580	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-10	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40 (Forms)	Amended	22:21 VA.R. 2900	--
18 VAC 65-40-40	Amended	22:12 VA.R. 2036	3/22/06
18 VAC 65-40-40	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-90	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-110	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-130	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-160	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-180	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-201	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-220	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-280	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-300	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-320	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-330	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-340	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 70-20 (Forms)	Amended	22:21 VA.R. 2911	--
18 VAC 70-20-10	Amended	22:21 VA.R. 2908	8/1/06
18 VAC 70-20-20	Repealed	22:21 VA.R. 2908	8/1/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 70-20-30	Amended	22:21 VA.R. 2908	8/1/06
18 VAC 70-20-30	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20-50 through 18 VAC 70-20-90	Amended	22:21 VA.R. 2908-2910	8/1/06
18 VAC 70-20-50	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20-105	Added	22:21 VA.R. 2911	8/1/06
18 VAC 70-20-110	Amended	22:21 VA.R. 2911	8/1/06
18 VAC 70-20-140	Amended	22:21 VA.R. 2911	8/1/06
18 VAC 70-20-150	Amended	22:21 VA.R. 2911	8/1/06
18 VAC 70-20 (Forms)	Amended	22:26 VA.R. 4156	--
18 VAC 76-10-20	Amended	22:22 VA.R. 3120	6/19/06
18 VAC 76-10-65	Amended	22:22 VA.R. 3120	6/19/06
18 VAC 76-20-10	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-20	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-30	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-50	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-60	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-70	Added	22:23 VA.R. 3403	8/23/06
18 VAC 85-10-10 through 18 VAC 85-10-110	Erratum	22:15 VA.R. 2324	--
18 VAC 85-20-22 emer	Amended	22:26 VA.R. 4187	9/1/06-8/31/07
18 VAC 85-20-122	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 85-20-226 emer	Added	22:26 VA.R. 4188	9/1/06-8/31/07
18 VAC 85-20-330	Amended	22:25 VA.R. 3901	9/20/06
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 emer	Amended	22:26 VA.R. 4189	9/1/06-8/31/07
18 VAC 85-40-67 emer	Added	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-35 emer	Amended	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-61 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-26 emer	Amended	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-73 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-101-25 emer	Amended	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-101-153 emer	Added	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-110-35 emer	Amended	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-110-161 emer	Added	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-130-10 through 18 VAC 85-130-170 emer	Added	22:10 VA.R. 1696-1700	12/21/05-12/20/06
18 VAC 90-20-30	Amended	22:12 VA.R. 2037	3/22/06
18 VAC 90-20-120	Amended	22:21 VA.R. 2915	7/26/06
18 VAC 90-25-15 through 18 VAC 90-25-80	Amended	23:3 VA.R. 487-492	11/14/06
18 VAC 90-25-71	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-72	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-80	Amended	22:12 VA.R. 2037	3/22/06
18 VAC 90-25-81	Added	23:3 VA.R. 492	11/14/06
18 VAC 90-25-100 through 18 VAC 90-25-130	Amended	23:3 VA.R. 492-494	11/14/06
18 VAC 90-30-10 emer	Amended	22:26 VA.R. 4194	9/1/06-8/31/07
18 VAC 90-30-50	Amended	22:12 VA.R. 2038	3/22/06
18 VAC 90-30-80	Amended	22:26 VA.R. 4177	11/18/06
18 VAC 90-30-120 emer	Amended	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 90-30-121 emer	Added	22:26 VA.R. 4195	9/1/06-8/31/07
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-130	Amended	22:13 VA.R. 2141	4/5/06
18 VAC 95-20-220	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 95-20-221	Added	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-310	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-330	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-340	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-380	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-390	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 105-20-5	Amended	22:20 VA.R 2714	7/12/06
18 VAC 105-20-10	Amended	22:20 VA.R 2714	7/12/06
18 VAC 105-20-15	Amended	22:20 VA.R 2714	7/12/06
18 VAC 105-20-16	Amended	22:20 VA.R 2715	7/12/06
18 VAC 105-20-20	Amended	22:13 VA.R. 2141	4/5/06
18 VAC 105-20-20	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 110-20-20	Amended	22:15 VA.R. 2321	5/3/06
18 VAC 110-20-20	Erratum	22:16 VA.R. 2399	--
18 VAC 110-20-20	Amended	22:24 VA.R. 3726	9/6/06
18 VAC 110-20-20	Erratum	22:25 VA.R. 3935	--
18 VAC 110-20-70	Amended	22:24 VA.R. 3751	10/23/06
18 VAC 110-20-275	Amended	22:21 VA.R. 2926	9/10/06
18 VAC 110-20-630	Amended	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-640	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-660	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-670	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-710	Amended	22:21 VA.R. 2927	9/10/06
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 110-30-15	Amended	22:15 VA.R. 2322	5/3/06
18 VAC 110-30-15	Erratum	22:16 VA.R. 2399	--
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 110-50-10 through 18 VAC 110-50-150	Added	22:24 VA.R. 3729-3735	9/6/06
18 VAC 112-20-50	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-65	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-130	Amended	22:13 VA.R. 2141	4/5/06
18 VAC 112-20-150	Amended	22:13 VA.R. 2142	4/5/06
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 115-30-30	Amended	22:14 VA.R. 2206	4/19/06
18 VAC 115-40-20	Amended	22:14 VA.R. 2207	4/19/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 115-60-20	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 120-30-100	Amended	23:3 VA.R. 497	12/11/06
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 150-20-100	Amended	22:21 VA.R. 2916	7/26/06
18 VAC 155-20-10	Amended	22:26 VA.R. 4160	11/1/06
18 VAC 155-20-110	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-120	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-160	Amended	22:26 VA.R. 4162	11/1/06
18 VAC 155-20-220	Amended	22:26 VA.R. 4163	11/1/06
18 VAC 155-20-280	Amended	22:26 VA.R. 4166	11/1/06
18 VAC 155-20 (Forms)	Amended	22:26 VA.R. 4166	--
18 VAC 160-20-10	Amended	23:1 VA.R. 136	12/1/06
18 VAC 160-20-74	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-76	Amended	22:26 VA.R. 4179	12/1/06
18 VAC 160-20-90	Amended	22:26 VA.R. 4180	12/1/06
18 VAC 160-20-95	Added	23:1 VA.R. 137	12/1/06
18 VAC 160-20-104	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-106	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-109	Amended	23:1 VA.R. 138	12/1/06
18 VAC 160-20-140	Amended	23:1 VA.R. 139	12/1/06
<b>Title 19. Public Safety</b>			
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
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-313-10 through 20 VAC 5-313-40	Added	22:11 VA.R. 1775-1777	1/5/06
20 VAC 5-315-10	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-20	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-30	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-40	Amended	23:3 VA.R. 501	9/26/06
20 VAC 5-413-5	Added	23:3 VA.R. 504	12/1/06
20 VAC 5-413-10	Amended	23:3 VA.R. 504	12/1/06
20 VAC 5-413-20	Amended	23:3 VA.R. 505	12/1/06
20 VAC 5-413-25	Added	23:3 VA.R. 505	12/1/06
20 VAC 5-413-30	Amended	23:3 VA.R. 505	12/1/06
20 VAC 5-413-35	Added	23:3 VA.R. 506	12/1/06
20 VAC 5-413-40	Amended	23:3 VA.R. 506	12/1/06
20 VAC 5-413-50	Added	23:3 VA.R. 506	12/1/06
<b>Title 22. Social Services</b>			
22 VAC 40-35-10 emer	Amended	22:26 VA.R. 4196	9/1/06-8/31/07
22 VAC 40-35-80 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-35-90 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-100 emer	Amended	22:26 VA.R. 4199	9/1/06-8/31/07
22 VAC 40-72-789	Erratum	22:26 VA.R. 4207	--
22 VAC 40-72-1060	Erratum	22:26 VA.R. 4207	--
22 VAC 40-90-10 through 22 VAC 40-90-40	Amended	22:22 VA.R. 3121-3122	9/1/06
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 40-191-10	Amended	22:22 VA.R. 3123	9/1/06
22 VAC 40-191-20	Amended	22:22 VA.R. 3125	9/1/06
22 VAC 40-191-40 through 22 VAC 40-191-70	Amended	22:22 VA.R. 3126-3131	9/1/06
22 VAC 40-191-90	Amended	22:22 VA.R. 3131	9/1/06
22 VAC 40-191-100	Amended	22:22 VA.R. 3132	9/1/06
22 VAC 40-191-120	Amended	22:22 VA.R. 3132	9/1/06
22 VAC 40-191-130	Amended	22:22 VA.R. 3132	9/1/06
22 VAC 40-191-150	Amended	22:22 VA.R. 3132	9/1/06
22 VAC 40-325-10	Amended	22:25 VA.R. 3901	10/1/06
22 VAC 40-325-20	Amended	22:25 VA.R. 3902	10/1/06
22 VAC 40-330-10 through 22 VAC 40-330-30	Repealed	22:22 VA.R. 3136-3138	9/23/06
22 VAC 40-340-10	Repealed	22:22 VA.R. 3138	9/23/06
22 VAC 40-340-20	Repealed	22:22 VA.R. 3138	9/23/06
22 VAC 40-745-10 through 22 VAC 40-745-70	Amended	23:1 VA.R. 140-145	11/1/06
22 VAC 40-745-90	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-100	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-110	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-901-10	Amended	22:25 VA.R. 3903	10/1/06
22 VAC 40-901-40 through 22 VAC 40-901-90	Added	22:25 VA.R. 3903-3905	10/1/06
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-41 (Forms)	Amended	22:21 VA.R. 2921	--
24 VAC 30-41-220	Amended	22:21 VA.R. 2917	7/26/06
24 VAC 30-41-230	Amended	22:21 VA.R. 2917	7/26/06
24 VAC 30-41-290	Amended	22:21 VA.R. 2917	7/26/06
24 VAC 30-41-300	Amended	22:21 VA.R. 2918	7/26/06
24 VAC 30-41-310	Amended	22:21 VA.R. 2918	7/26/06
24 VAC 30-41-320	Amended	22:21 VA.R. 2918	7/26/06
24 VAC 30-41-430	Amended	22:21 VA.R. 2919	7/26/06
24 VAC 30-41-520	Amended	22:21 VA.R. 2920	7/26/06
24 VAC 30-41-650	Amended	22:21 VA.R. 2920	7/26/06
24 VAC 30-121-10 through 24 VAC 30-121-40	Added	22:10 VA.R. 1672-1676	2/22/06
24 VAC 30-271-10	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-271-20	Amended	23:2 VA.R. 259	11/1/06
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
24 VAC 30-550	Repealed	22:24 VA.R. 3736	9/6/06
24 VAC 30-551-10 through 24 VAC 30-551-100	Added	22:24 VA.R. 3736-3744	9/6/06
24 VAC 30-600	Repealed	22:24 VA.R. 3736	9/6/06

---

# PETITIONS FOR RULEMAKING

---

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF ACCOUNTANCY

#### Initial Agency Notice

Title of Regulation: **18 VAC 5-21. Board of Accountancy Regulations.**

Statutory Authority: §§ 2.2-4007, 54.1-4403 and 54.1-4409 of the Code of Virginia.

Name of Petitioner: Matthew C. Pauls.

Nature of Petitioner's Request: The petitioner is requesting that the board consider creating an exception to the board's current education requirements to sit for the Uniform CPA exam, and to obtain a license to practice public accountancy in Virginia. The exception would be for those individuals who study the subject on their own (i.e., individuals would be able to "read for the CPA license" just as individuals are able to "read for the bar").

Agency's Plan for Disposition of Request: The board will submit the petition for publication in the Virginia Register for a 21-day public comment period. The board will initially review the petition at its meeting on October 24, 2006. Once the public comments have been reviewed, the board will take up the matter again at its next meeting to make an agency decision.

Public comments may be submitted until November 20, 2006.

Agency Contact: Nancy Taylor Feldman, Executive Director/Agency Head, Board of Accountancy, 3600 West Broad Street, Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, or email [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

VA.R. Doc. No. R07-11; Filed October 10, 2006, 11:44 a.m.

---

# NOTICES OF INTENDED REGULATORY ACTION

---

## Symbol Key

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

---

## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### DEPARTMENT OF CRIMINAL JUSTICE 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 Criminal Justice Services intends to consider amending regulations entitled **6 VAC 20-160, Rules Relating to the Court-Appointed Special Advocate Program (CASA)**. The purpose of the proposed action is to clarify the rule of the Court-Appointed Special Advocate (CASA) Advisory Council, improve training opportunities, increase support for staff and volunteers, and improve the recordkeeping of both program activities and the financial accountability of each location. The proposed revisions are intended to ensure that the regulations are in support of and consistent with the mission and goals of CASA programs across Virginia.

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

Statutory Authority: §§ 9.1-151 and 9.1-153 of the Code of Virginia.

Public comments may be submitted until November 15, 2006.

**Contact:** Hope Hodgson, Program Assistant, Department of Criminal Justice Services, 202 N. 9th St., Richmond, VA 23219, telephone (804) 225-4331, FAX (804) 786-3414 or email hope.hodgson@dcjs.virginia.gov.

VA.R. Doc. No. R07-02; Filed September 26, 2006, 10:01 a.m.



## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-196, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Cooling Water Discharges**. The purpose of the proposed action is to reissue, and amend as necessary, the existing VPDES general permit for point source discharges from noncontact cooling water.

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

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

Public comments may be submitted until 5 p.m. on November 15, 2006.

**Contact:** Burton R. Tuxford, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4086, FAX (804) 698-4032, or email brtuxford@deq.virginia.gov.

VA.R. Doc. No. R07-06; Filed September 27, 2006, 10:17 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to update the water quality standards based on new scientific information; improve permitting, monitoring and assessment programs; and fulfill the legal mandates for a three-year review of the standards.

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

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

Public comments may be submitted until 5 p.m. on November 17, 2006.

**Contact:** Eleanore M. Daub, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4111, FAX (804) 698-4116, or email emdaub@deq.virginia.gov.

VA.R. Doc. No. R06-344; Filed August 30, 2006, 8:18 a.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider adopting regulations entitled **9 VAC 25-860, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Potable Water Treatment Plants**. The purpose of the proposed action is to establish appropriate and necessary permitting requirements for discharges of wastewater from potable water treatment plants. The proposed regulation will set forth standard language for effluent limitations and monitoring requirements necessary to regulate this category of dischargers.

---

# Notices of Intended Regulatory Action

---

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

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

Public comments may be submitted until 5 p.m. on November 30, 2006.

**Contact:** George E. Cosby, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4067, FAX (804) 698-4032, or email [gecosby@deq.virginia.gov](mailto:gecosby@deq.virginia.gov).

VA.R. Doc. No. R07-12; Filed October 10, 2006, 2:00 p.m.

---

## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider **repealing** regulations entitled **12 VAC 5-610, Sewage Handling and Disposal Regulations**, and **adopting** regulations entitled **12 VAC 5-611, Onsite Sewage Regulations**. The purpose of the proposed action is to promulgate regulations based on public meetings held between January and May 2006 and related issues as determined by the board, and to include provisions to address the previously proposed allowable rock content and footprint amendments.

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

Statutory Authority: § 32.1-164 of the Code of Virginia.

Public comments may be submitted until November 3, 2006.

**Contact:** Don Alexander, Director, Division of Onsite Sewage and Water Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7476, or email [don.alexander@vdh.virginia.gov](mailto:don.alexander@vdh.virginia.gov).

VA.R. Doc. No. R06-334; Filed August 16, 2006, 10:02 a.m.

## TITLE 16. LABOR AND EMPLOYMENT

### SAFETY AND HEALTH CODES BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Safety and Health Codes Board intends to consider adopting regulations entitled **16 VAC 25-95, Medical Services and First Aid Standards for General Industry**. The purpose of the proposed action is to require employers in General Industry and in the Construction Industry to train employees to render first aid and cardiopulmonary resuscitation (CPR) when employees are exposed to occupational hazards that could result in death or serious physical harm.

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

Statutory Authority: § 40.1-22 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 2006.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804)-786-8418, or email [rlc@doli.state.va.us](mailto:rlc@doli.state.va.us).

VA.R. Doc. No. R07-05; Filed September 27, 2006, 9:17 a.m.

---

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to consider amending regulations entitled **18 VAC 30-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update certain provisions of the regulation pursuant to recommendations resulting from a periodic review, including use of electronic notification and the Virginia Regulatory Townhall as an option for comment.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

---

# Notices of Intended Regulatory Action

---

Public comments may be submitted until 5 p.m. on November 15, 2006.

**Contact:** Elizabeth Young, Executive Director, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, or email [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

VA.R. Doc. No. R07-03; Filed September 26, 2006, 12:01 p.m.

## BOARD OF PHYSICAL THERAPY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Physical Therapy intends to consider amending regulations entitled **18 VAC 112-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update certain provisions of the regulation pursuant to recommendations resulting from a periodic review, including use of electronic notification and the Virginia Regulatory Townhall as an option for comment.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 15, 2006.

**Contact:** Elizabeth Young, Executive Director, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, or email [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

VA.R. Doc. No. R07-04; Filed September 26, 2006, 12:01 p.m.



## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### MOTOR VEHICLE DEALER BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Motor Vehicle Dealer Board intends to consider amending regulations entitled **24 VAC 22-20, Motor Vehicle Dealer Fees**. The purpose of the proposed action is to adjust the fee schedule that dealers follow. The regulation sets maximum fee levels. The current fee schedule was established about 10 years ago.

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

Statutory Authority: § 46.2-1506 of the Code of Virginia.

Public comments may be submitted until December 1, 2006.

**Contact:** Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free 1-877-270-0203, or email [bruce.gould@mvdb.virginia.gov](mailto:bruce.gould@mvdb.virginia.gov).

VA.R. Doc. No. R07-13; Filed October 11, 2006, 12:08 p.m.



---

# REGULATIONS

---

For information concerning the different types of regulations, see the Information Page.

---

## Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

---

## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

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

#### Final Regulation

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

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

**Effective Date:** October 1, 2006.

**Agency Contact:** Brandy L. Battle, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or email brandy.battle@mrc.virginia.gov.

#### Summary:

*The amendments (i) define the National Marine Fisheries Service modified pound net leader area and (ii) exempt licensed pound net fishermen within the modified pound net leader area from requirements to fish their pound nets or establish a complete system of nets and poles in order to renew their licenses.*

#### 4 VAC 20-20-20. Definitions.

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

"Fixed fishing device" means any fishing device used for the purpose of catching fish and requiring the use of more than two poles or stakes which have been pushed or pumped into the bottom.

"Fyke net" means a round stationary net distended by a series of hoops or frames, covered by web netting or wire mesh and having one or more internal funnel-shaped throats whose tapered ends are directed away from the mouth of the net. The net, leader or runner is held in place by stakes or poles which have been pushed or pumped into the bottom and has one or two wings and a leader or runner to help guide the fish into the net.

"National Marine Fisheries Service ~~Prohibited~~ Modified Pound Net Leader Area" means the area where the National Marine Fisheries Service ~~prohibits the use of all~~ requires pound net leaders, set with the inland end of the leader greater than 10 horizontal feet from the mean low water line, from May 6 to July 15 each year in the Virginia waters of the mainstem Chesapeake Bay, south of 37°19.0' N. lat. and west of 76°13.0' W. long., and all waters south of 37°13.0' N. lat. to the Chesapeake Bay Bridge Tunnel at the mouth of the Chesapeake Bay, and the James and York Rivers downstream of the first bridge in each tributary, be affixed to or resting on the sea floor and made of a lower portion of mesh and upper portion of only vertical lines such that (i) the mesh size is equal to or less than eight inches stretched mesh; (ii) at any particular point along the leader the height of the mesh from the sea floor to the top of the mesh must be no more than one-third the depth of the water at mean lower low water directly above that particular point; (iii) the mesh is held in place by vertical lines that extend from the top of the mesh up to a top line, which is a line that forms the uppermost part of the pound net leader; (iv) the vertical lines are equal to or greater than 5/16-inch in diameter and strung vertically at a minimum of every two feet; and (v) the vertical lines are hard lay lines with a level of stiffness equivalent to the stiffness of a 5/16-inch diameter line composed of polyester wrapped around a blend of polypropylene and containing approximately 42 visible twists of strands per foot of line.

"Officer" means the marine patrol officer in charge of the district within which the fixed fishing device is located.

"Pound net" means a stationary fishing device supported by stakes or poles ~~which that~~ have been pushed or pumped into the bottom consisting of an enclosure identified as the head or pocket with a netting floor, a heart, and a straight wall, leader or runner to help guide the fish into the net.

"Staked gill net" means a fixed fishing device consisting of an upright fence of netting fastened to poles or stakes ~~which that~~ have been pushed or pumped into the bottom.

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

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

B. Except as provided in subsections C and D of this section, a currently licensed fixed fishing device must have been fished during the current license year in order for the licensee to maintain his priority right to such location. It shall be mandatory for the licensee to notify the officer, on forms provided by the commission, when the fixed fishing device is ready to be fished in the location applied for, by a complete system of nets and poles, except as provided in subsection D of this section, for the purpose of visual inspection by the officer. Either the failure of the licensee to notify the officer when the fixed fishing device is ready to be fished or the failure by the licensee actually to fish the licensed device, by use of a complete system of nets and poles, except as provided in subsection D of this section, shall terminate his right or privilege to renew the license during the period set forth in subsection A of this section of this chapter, and he shall not become a qualified applicant for such location until 9 a.m. on February 1. Any application received from an unqualified applicant under this subsection shall be considered as received at 9 a.m. on February 1; however, in the event of the death of a current license holder, the priority right to renew the currently held locations of the deceased licensee shall not expire by reason of failure to fish said locations during the year for which they were licensed, but one additional year shall be and is hereby granted to the personal representative or lawful beneficiary of the deceased licensee to license the location in the name of the estate of the deceased licensee for purposes of fishing said location or making valid assignment thereof.

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

~~D. During 2005, current pound net licensees shall not be required to fish their pound nets or establish a complete system of nets and poles in order to renew their licenses or maintain their priority rights to such locations for 2006. Beginning in 2005, current Current pound net licensees with a licensed pound net located in the National Marine Fisheries Service Prohibited Modified Pound Net Leader area Area shall not be required to fish their pound nets or establish a complete system of nets and poles in 2006 in order to renew their licenses or maintain their priority rights to such locations for any subsequent year until such time that this prohibited area is no longer in effect 2007.~~

VA.R. Doc. No. R07-07; Filed September 29, 2006, 11:02 a.m.

## Final Regulation

Title of Regulation: **4 VAC 20-610. Pertaining to Commercial Fishing and Mandatory Harvest Reporting (amending 4 VAC 20-610-30, 4 VAC 20-610-40 and 4 VAC 20-610-60).**

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

Effective Date: October 1, 2006.

Agency Contact: Brandy L. Battle, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or email brandy.battle@mrc.virginia.gov.

### Summary:

*The amendments (i) replace the term "catch" with "harvest," (ii) require applicants for a Commercial Fisherman Registration License to provide a 911 address if different than their mailing address, and (iii) require withholding of the renewal of a Commercial Fisherman Registration License from any fisherman with delinquent mandatory harvest reports or any outstanding reporting compliance issue.*

### **4 VAC 20-610-30. Commercial fisherman registration license; exceptions.**

A. In accordance with § 28.2-241 C of the Code of Virginia, only persons who hold a valid Commercial Fisherman Registration License may sell, trade, or barter their ~~catch~~ harvest, or give their ~~catch~~ harvest to another, in order that it may be sold, traded, or bartered. Only these licensees may sell their ~~catches~~ harvests from Virginia tidal waters, regardless of the method or manner in which caught. Exceptions to the requirement to register as a commercial fisherman for selling ~~catch~~ harvest are authorized for the following persons only:

1. Persons taking menhaden under the authority of licenses issued pursuant to § 28.2-402 of the Code of Virginia.
2. Persons independently harvesting and selling, trading, or bartering no more than three gallons of minnows per day who are not part of, hired by, or engaged in a continuing business enterprise.
  - a. Only minnow pots, a cast net or a minnow seine less than 25 feet in length may be used by persons independently harvesting minnows.
  - b. All other marine species taken during the process of harvesting minnows shall be returned to the water immediately.
3. Any person whose commercial fisherman registration license or fishing gear license is not revoked by the Marine Resources Commission pursuant to § 28.2-232 of the Code of Virginia is authorized to possess the registration license of a commercial fisherman in order to serve as an agent for

---

# Regulations

---

fishing the commercial fisherman's gear and selling the catch. No commercial fisherman shall use more than one person as an agent at any time. The agent shall possess the registration license and gear license of the commercial fisherman when fishing. When transporting or selling a commercial fisherman's catch, the agent shall possess either the registration license of that commercial fisherman or a bill of lading indicating that fisherman's name, address, commercial fisherman registration license number, date and amount of product to be sold.

B. In accordance with § 28.2-241 H of the Code of Virginia, only persons with a valid Commercial Fisherman Registration License may purchase gear licenses. Beginning with licenses for the 1993 calendar year and for all years thereafter, gear licenses will be sold only upon presentation of evidence of a valid Commercial Fisherman Registration License.

Exceptions to the prerequisite requirement are authorized for the following gears only and under the conditions described below:

1. Menhaden purse seine licenses issued pursuant to § 28.2-402 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.
2. Commercial gear licenses used for recreational purposes and issued pursuant to § 28.2-226.2 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.

C. Exceptions to the two-year delay may be granted by the commissioner if he finds any of the following:

1. The applicant for an exception (i) has demonstrated, to the satisfaction of the commissioner, that the applicant has fished a significant quantity of commercial gear in Virginia waters during at least two of the previous five years; and (ii) can demonstrate, to the satisfaction of the commissioner, that a significant hardship caused by unforeseen circumstances beyond the applicant's control has prevented the applicant from making timely application for registration. The commissioner may require the applicant to provide such documentation as he deems necessary to verify the existence of hardship.
2. The applicant is purchasing another commercial fisherman's gear, and the seller of the gear holds a Commercial Fisherman Registration License and the seller surrenders that license to the commission at the time the gear is sold.
3. An immediate member of the applicant's family, who holds a current registration, has died or is retiring from the commercial fishery and the applicant intends to continue in the fishery.

Any applicant denied an exception may appeal the decision to the commission. The applicant shall provide a request to appeal to the commission 30 days in advance of the meeting

at which the commission will hear the request. The commission will hear requests at their March, June, September, and December meetings.

Under no circumstances will an exception be granted solely on the basis of economic hardship.

#### **4 VAC 20-610-40. Registration procedures.**

~~A. Applicants holding a valid~~ An applicant may renew his Commercial Fisherman Registration License ~~may register by registering during the period months of December 4 through February 28 of each year~~ as commercial fishermen as follows:

1. The applicant shall complete an application for a Commercial Fisherman Registration License.
2. The applicant shall mail the completed application to the Virginia Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607.
3. The Commercial Fisherman Registration License will be returned to the applicant by mail upon validation of his application.

B. Persons desiring to enter the commercial fishery and those fishermen failing to register as provided in subdivision A may apply only during December, January or February of each year. All such applications shall be for a delayed registration and shall be made as provided below.

1. The applicant shall complete an application for a Commercial Fisherman Registration License by providing his complete name, mailing address (and 911 address if different than mailing address), social security number, birth date, weight, height, eye color, hair color, telephone number of residence, and signature.
2. The applicant shall mail the completed application to the Virginia Marine Resources Commission, 2600 Washington Avenue, Newport News, VA 23607.
3. The Commercial Fisherman Registration License will be returned to the applicant by mail two years after the date of receipt of the application by the commission. Notification of any change in the address of the applicant shall be the responsibility of the applicant.

C. No part of the Commercial Fisherman Registration License fee shall be refundable.

D. The Commercial Fisherman Registration License may be renewed annually during the months of December, January or February, only when any and all mandatory reporting harvest reports are up to date and there are no outstanding compliance issues. Any person failing to renew his license shall be subject to the delay provision of subsection B of this section.

#### **4 VAC20-610-60. Mandatory harvest reporting.**

A. It shall be unlawful for any ~~person holding a valid~~ Commercial Fisherman Registration License Licensee to fail

to fully report ~~their catches~~ his harvests and related information as set forth in this chapter.

B. It shall be unlawful for any recreational fisherman, charter boat captain, head boat captain, commercial fishing pier operator, or owner of a private boat licensed pursuant to §§ 28.2-302.7 through 28.2-302.9 of the Code of Virginia to fail to report recreational catches upon request to those authorized by the commission.

C. All registered commercial fishermen and ~~all holders of a~~ any valid Seafood Landing License shall complete a daily form accurately quantifying and legibly describing that day's harvest from Virginia tidal and federal waters. The forms used to record daily harvest shall be those provided by the commission or another form approved by the commission. Registered commercial fishermen may use more than one form when selling to more than one buyer.

D. Registered commercial fishermen shall submit a monthly ~~catch~~ harvest report to the commission no later than the fifth day of the following month. This report shall be accompanied by the daily catch records described in subsection C of this section. Completed forms shall be mailed or delivered to the commission or other designated locations.

E. The monthly catch report and daily catch records shall include the name and signature of the registered commercial fisherman and his license registration number, buyer or private sale information, date of harvest, city or county of landing, water body fished, gear type and amount used, number of hours gear fished, number of hours watermen fished, number of crew on board including captain, species harvested, market category, and live weight or processed weight or species harvested, and vessel identification (Coast Guard documentation number, Virginia license number or hull/VIN number). Any information on the price paid for the catch may be provided voluntarily.

F. Registered commercial fishermen not fishing during a month shall so notify the commission no later than the 5th of the following month by postage paid postal card provided by the commission or by calling the commission's toll free telephone line.

G. Any person licensed as a commercial seafood buyer pursuant to § 28.2-228 of the Code of Virginia shall maintain for a period of one year a copy of each fisherman's daily ~~catch~~ harvest record form for each purchase made. Such records shall be made available upon request to those authorized by the commission.

H. Registered commercial fishermen shall maintain their daily ~~catch~~ harvest records for one year and shall make them available upon request to those authorized by the commission.

I. Registered commercial fishermen and licensed seafood buyers shall allow those authorized by the commission to

sample catch and seafood products to obtain biological information for scientific and management purposes only. Such sampling shall be conducted in a manner which does not hinder normal business operations.

J. The reporting of oyster harvest and transactions shall be made in accordance with 4 VAC 20-200 and shall be exempted from the procedures described in this section.

K. The reporting of the harvest of federally permitted species from beyond Virginia's tidal waters that are sold to a federally permitted dealer shall be exempt from the procedures described in this section.

L. The owner of any purse seine vessel or bait seine (snapper rig) licensed under the provisions of § 28.2-402 of the Code of Virginia shall submit the Captain's Daily Fishing Reports to the National Marine Fisheries Service, in accordance with provisions of Amendment 1 to the Interstate Fishery Management Plan of the Atlantic States Marine Fisheries Commission for Atlantic Menhaden, which became effective July 2001.

VA.R. Doc. No. R07-08; Filed September 29, 2006, 11:03 a.m.

**Final Regulation**

Title of Regulation: **4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20, 4 VAC 20-720-40, 4 VAC 20-720-50, 4 VAC 20-720-60, 4 VAC 20-720-70, 4 VAC 20-720-75, 4 VAC 20-720-80 and 4 VAC 20-720-100).**

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

Effective Date: October 1, 2006.

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

Summary:

*The amendments (i) remove, add and modify definitions; (ii) establish new harvest seasons for selected areas and eliminate open harvest seasons for Lower Machodoc area, the Yeocomico River area, the Piankatank River, the Little Wicomico River, the Great Wicomico River Hand Scrape area, and the Deep Rock Dredge area; (iii) establish new closed harvest seasons for selected areas; (iv) limit the use of dredge for the harvest of oysters from private grounds to the period of one hour before sunrise to 10 a.m. during the months of May through September; (v) eliminate reference to harvest areas that are now closed to the harvest of oysters; (vi) require the shading of oysters aboard a vessel during the months of May through September; (vii) eliminate reference to those areas now closed to the harvest of oysters; (viii) lower the daily harvest limit from*

---

# Regulations

---

12 bushels to 10 bushels; and (ix) specify that seed oysters planted on private grounds may not be reharvested until April 1.

## 4 VAC 20-720-20. Definitions.

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

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

"Coan River Area" means that area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur).

"Corrotoman River Hand Tong Area" means that area of the Corrotoman River north of the line drawn from ~~Balls Pt. to Corrotoman Pt.~~ Bar Pt. to the westernmost point on Black Stump Point.

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

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

"Drumming Ground Hand Scrape Area" means that portion of the Rappahannock and Corrotoman River, west of the Rt. 3 bridge (Norris Bridge), and north of a line from the center of the Rt. 3 bridge (Norris Bridge) following westward along the channel to Towles Point at Buoy "R6", excluding the Corrotoman River north of a line from ~~Balls Pt. to Corrotoman Pt.~~ Bar Pt. to the westernmost point on Black Stump Point.

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

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than

22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

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

"Lower Machodoc Area" means that area of the Lower Machodoc River to the Virginia-Maryland state line (PRV5A to PRV5C).

"Nomini River Hand Scrape Area" means that area of the Nomini River inside of Public Ground #1 to the Virginia-Maryland state line (PRV6A to PRV6B) (Kingscopsico), Public Ground 26 (Deans) and Public Ground 28 (Cut).

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

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

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

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

"Rappahannock River Hand Tong Area" means that area of the Rappahannock River west of the line drawn from Tarpley Pt. to Green Buoy #13 to Jones Pt.

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

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

"Tangier Sound Hand Tong Area" means that area in the PTSMA south and west of a line from Fishbone Island thence southeast to bell buoy #5, thence south southwest to buoy #3 (such area to include all of Public Ground 3 and Flat Rock) and shall be a hand tong area only and Cod Harbor (approximately 1,124 acres) beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85;

thence south 79°59', east 2,260 feet to a line designating the western extent of the PTSMA as described in § 28.2-524 of the Code of Virginia; thence south 10°16', west 2,800 feet; thence south 28°46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east, 2,728,014.94; thence along the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning.

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

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

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

"Upper Chesapeake Bay (Blackberry Hangs Hand Scrape Area)" means the area in Public Ground Number 118, south from the Smith Point Light to the Great Wicomico Light.

"Yeocomico River Area" means that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113.

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

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

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

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and James River Jail Island and Point of Shoals Clean Cull Areas: October 1, ~~2005~~ 2006, through April 30, ~~2006~~ 2007.
2. Seaside of Eastern Shore: for clean cull oysters only, October 1, ~~2005~~ 2006, through ~~January~~ December 31, 2006.
3. The following areas shall be opened from October 1, ~~2005~~ 2006, through ~~January~~ December 31, 2006: the Rappahannock River Hand Tong Area; the Corrotoman River Hand Tong Area; the Rappahannock River Hand Scrape Area; the Drumming Ground Hand Scrape Area (Rappahannock River); the Temples Bay Hand Scrape Area

(Rappahannock River); ~~the Coan River Area; the Nomini River Hand Scrape Area; the Lower Machodoc Area; the Yeocomico River Area; the Piankatank River; the Little Wicomico River; the Great Wicomico River Hand Scrape Area;~~ the James River Hand Scrape Area; the Blackberry Hangs Hand Scrape Area (Upper Chesapeake Bay); the York River Hand Scrape Area; and the Thomas Rock Hand Scrape Area (James River); ~~and the Deep Rock Dredge Area (Lower Chesapeake Bay).~~

4. Tangier Sound and Pocomoke Sound: December 1, ~~2005~~ 2006, through February 28, ~~2006~~ 2007.

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

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

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except those areas listed in 4 VAC 20-720-40, are closed: October 1, ~~2005~~ 2006, through September 30, ~~2006~~ 2007.
2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas: May 1, ~~2006~~ 2007, through September 30, ~~2006~~ 2007.
3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, ~~February 1, 2006~~ January 1, 2007, through September 30, ~~2006~~ 2007, and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.
4. The following areas shall be closed from ~~February 1, 2006~~ January 1, 2007, through September 30, ~~2006~~ 2007: the Rappahannock River Hand Tong Area; the Corrotoman River Hand Tong Area; the Rappahannock River Hand Scrape Area; the Temples Bay Hand Scrape Area (Rappahannock River); the Drumming Ground Hand Scrape Area (Rappahannock River); the Nomini River Hand Scrape Area; the Lower Machodoc Area; the Coan River Area; the Piankatank River; the Yeocomico River Area; the Little Wicomico River; the Great Wicomico River Hand Scrape Area; the James River Hand Scrape Area; the Thomas Rock Hand Scrape Area and the Blackberry Hangs Hand Scrape Area (Upper Chesapeake Bay); and the York River; ~~the Deep Rock Dredge Area (Lower Chesapeake Bay).~~
5. Tangier Sound and Pocomoke Sound: October 1, ~~2005~~ 2006, through November 30, ~~2005~~ 2006, and March 1, ~~2006~~ 2007, through September 30, ~~2006~~ 2007.

---

# Regulations

---

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

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

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

C. It shall be unlawful for any person to harvest or attempt to harvest oysters by dredge from private grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, until one hour before sunrise or after 10 a.m. in the months of May through September and these oysters shall be refrigerated within one hour of landing.

~~C. D.~~ It shall be unlawful for a boat with an oyster dredge aboard to leave the dock until one hour before sunrise or return to the dock after sunset.

~~D. E.~~ It shall be unlawful for a boat with a hand scrape aboard to leave the dock until one-half hour before sunrise or return to the dock after sunset.

## 4 VAC 20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters in the James River Seed Areas, including the Deep Water Shoal State Replenishment Seed Area the James River Jail Island and Point of Shoals Clean Cull Areas, the Rappahannock River Hand Tong Area, the Corrotoman River Hand Tong Area, ~~the Nomini River Area, Lower Machodoc Area, the Coan River Area, the Yeocomico River Area, the Piankatank River, and Little Wicomico River,~~ except by hand or ordinary tong, ~~or as described in subsection F of this section.~~ It shall be unlawful for any person to have a hand scrape on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong ~~except as described in subsection F of this section.~~

B. It shall be unlawful to harvest oysters from the seaside of the Eastern Shore, except by hand.

C. It shall be unlawful to harvest oysters from the hand scrape areas in the Rappahannock River; James River, ~~Great Wicomico~~ Nomini River, Upper Chesapeake Bay, and York River, except by hand scrape.

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

unlawful for any person to have a hand tong on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand scrape, ~~except as described in subsection F of this section.~~

E. It shall be unlawful to harvest oysters from the Pocomoke and Tangier Sounds Management Area ~~and Deep Rock Dredge Area,~~ except by a standard oyster dredge.

F. It shall be lawful to harvest oysters through January 31, 2006, from the Coan River Area, the Lower Machodoc Area, the Nomini River Area, and the Yeocomico River Area by hand scrape. During the months of May through September any vessel used for the harvest of oysters from both public and private grounds shall have shading over the storage area for the oysters, and all oysters in the vessel shall be offloaded every day.

## 4 VAC 20-720-75. Gear license.

A. It shall be unlawful for any person to harvest shellfish from the hand scrape areas in the Rappahannock River, James River, ~~Great Wicomico River,~~ Upper Chesapeake Bay, York River, ~~Coan River Area, Lower Machodoc Area,~~ and Nomini River Area, ~~and Yeocomico River Area~~ York River who has not first obtained a current hand scrape license.

B. It shall be unlawful for any person to harvest shellfish with a dredge from the public oyster grounds in the PTSMA ~~and the Deep Rock Dredge Area~~ who has not first obtained a current dredge license.

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

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

B. The lawful daily limit of clean cull oysters harvested from the areas as described in subdivision 3 of 4 VAC 20-720-40 shall be determined by the number of registered commercial fishermen licensees on board the vessel multiplied by ~~12~~ 10 bushels. It shall be unlawful to possess on board any vessel or to land more than the daily limit of clean cull oysters.

C. In the PTSMA in Tangier Sound and in the Pocomoke Sound, where harvesting is allowed by dredge, there shall be a harvest limit of eight bushels per registered commercial fisherman licensee on board the vessel. It shall be unlawful for any registered commercial fisherman licensee to possess more than eight bushels per day. No blue crab bycatch is

allowed. It shall be unlawful to possess on board any vessel more than 250 hard clams.

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

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

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

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

C. Seed oysters shall be placed on a designated and marked area of the private ground from which said oysters are not to be removed until after the public oyster season has closed (~~4 VAC 20-720-40~~) March 31. It shall be unlawful to reharvest these seed oysters prior to ~~the end of the public oyster season~~ April 1.

V.A.R. Doc. No. R07-09; Filed September 29, 2006, 11:03 a.m.

**Final Regulation**

Title of Regulation: **4 VAC 20-1090. Pertaining to Licensing Requirements and License Fees (amending 4 VAC 20-1090-30; repealing 4 VAC 20-1090-20).**

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

Effective Date: October 1, 2006.

Agency Contact: Brandy L. Battle, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or email brandy.battle@mrc.virginia.gov.

Summary:

*The amendments remove references to license fees specifically for calendar years 2005 and 2006 and establish that license fees are set for current and future years.*

**4 VAC 20-1090-20. License fees for calendar year 2005. (Repealed.)**

The following listing of license fees applies to any person who purchases a license for the purposes of harvesting for commercial purposes, or fishing for recreational purposes,

~~during calendar year 2005: License sales for calendar year 2005 end December 31, 2005:~~

<b>1. COMMERCIAL LICENSES.</b>	
Commercial Fisherman Registration License	\$150.00
Commercial Fisherman Registration License for a person 70 years or older	\$75.00
Delayed Entry Registration	\$150.00
Delayed Entry Registration License for a person 70 years or older	\$75.00
Seafood Landing License for each boat or vessel	\$150.00
For each Commercial Fishing Pier over or upon subaqueous beds (mandatory)	\$50.00
Seafood Buyer's License — For each boat or motor vehicle	\$25.00
Seafood Buyer's License — For each place of business	\$50.00
Nonresident Harvester's License	\$350.00
<b>Oyster Harvesting and Shucking Licenses</b>	
For each person taking oysters by hand, or with ordinary tongs	\$10.00
For each single rigged patent tong boat taking oysters	\$35.00
For each double rigged patent tong boat taking oysters	\$70.00
Oyster Dredge Public Ground	\$50.00
Oyster Hand Scrape	\$50.00
To shuck and pack oysters, for any number of gallons under 1000	\$7.50
To shuck and pack oysters, for 1000 gallons, up to 10,000	\$20.00
To shuck and pack oysters, for 10,000 gallons, up to 25,000	\$45.00
To shuck and pack oysters, for 25,000 gallons, up to 50,000	\$75.00
To shuck and pack oysters, for 50,000 gallons, up to 100,000	\$125.00
To shuck and pack oysters, for 100,000 gallons, up to 200,000	\$175.00
To shuck and pack oysters, for 200,000 gallons or over	\$275.00
<b>Blue Crab Harvesting and Shedding Licenses</b>	
For each person taking or catching crabs by dip nets	\$8.00
For ordinary trotlines	\$8.00
For patent trotlines	\$31.00
For each boat used for taking or catching hard crabs with dredges	\$58.00
For each single rigged crab scrape boat	\$16.00
For each double rigged crab scrape boat	\$32.00
For up to 100 crab pots	\$29.00
For over 100 but not more than 150 crab pots	\$48.00
For over 150 but not more than 200 crab pots	\$48.00

# Regulations

For over 200 but not more than 300 crab pots	\$48.00
For over 300 but not more than 500 crab pots	\$100.00
For up to 300 peeler pots	\$29.00
For up to 20 tanks and floats for shedding crabs	\$7.50
For more than 20 tanks or floats for shedding crabs	\$15.00
For each crab trap or crab pound	\$5.00
<b>Horseshoe Crab and Lobster Licenses</b>	
For each person harvesting horseshoe crabs by hand	\$15.00
For each boat engaged in fishing for, or landing of, lobster using less than 200 pots	\$25.00
For each boat engaged in fishing for, or landing of, lobster using 200 pots or more	\$100.00
<b>Clam Harvesting Licenses</b>	
For each person taking or harvesting clams by hand, rake or with ordinary tongs	\$15.00
For each single rigged patent tong boat taking clams	\$35.00
For each double rigged patent tong boat taking clams	\$70.00
For each boat using clam dredge (hand)	\$15.00
For each boat using clam dredge (power)	\$35.00
For each boat using hydraulic dredge to catch soft shell clams	\$50.00
For each person taking surf clams	\$100.00
<b>Conch (Whelk) Harvesting Licenses</b>	
For each boat using a conch dredge	\$35.00
For each person taking channeled whelk by conch pot	\$48.00
<b>Finfish Harvesting Licenses</b>	
Each pound net	\$25.00
Each stake gill net of 1200 feet in length or under, with a fixed location	\$15.00
All other gill nets up to 600 feet	\$10.00
All other gill nets over 600 feet and up to 1200 feet	\$15.00
Each person using a cast net or throw net or similar device	\$8.00
Each fyke net head, weir, or similar device	\$8.00
For fish trotlines	\$12.00
Each person using or operating a fish dip net	\$6.00
On each haul seine used for catching fish, under 500 yards in length	\$29.00
On each haul seine used for catching fish, from 500 yards in length to 1000 yards in length	\$88.00
For each person using commercial hook and line	\$25.00
For each person using commercial hook and line for catching striped bass only	\$25.00
On each boat or vessel under 70 gross tons fishing with purse net, per gross ton but not more than \$150	\$3.00
On each boat or vessel over 70 gross tons fishing with purse net, per gross ton. Provided the	\$5.00

maximum license fee for such vessels shall not be more than \$600.	
For up to 100 fish pots or eel pots	\$12.00
For over 100 but not more than 300 fish pots or eel pots	\$20.00
For over 300 fish pots or eel pots	\$50.00
<b>2. COMMERCIAL GEAR FOR RECREATIONAL USE.</b>	
Up to five Crab pots	\$29.00
Crab trotline (300 feet maximum)	\$8.00
One crab trap or crab pound	\$5.00
One gill net up to 300 feet in length	\$7.50
Fish dip net	\$6.00
Fish cast net	\$8.00
Up to two eel pots	\$10.00
<b>3. SALTWATER RECREATIONAL FISHING LICENSE.</b>	
Individual License	\$7.50
Temporary 10-Day License	\$5.00
Recreational boat	\$30.00
Head Boat/Charter Boat, six or less passengers	\$150.00
Head Boat/Charter Boat, more than six passengers plus \$4.00 per person over six	\$150.00
Rental Boat, per boat, with maximum fee of	\$7.50
Commercial Fishing Pier (Optional)	\$450.00
Disabled Resident Lifetime Saltwater License	\$5.00
Reissuance of Saltwater Recreational Boat License	\$5.00
Combined Sportfishing License to fish in all inland waters and tidal waters of the Commonwealth during open season	
Residents	\$19.50
Nonresidents	\$37.50
Combined Sportfishing Trip License to fish in all inland waters and tidal waters of the Commonwealth during open season, for five consecutive days:	
Residents	\$10.50
Nonresidents	\$15.50
Individual Lifetime License	\$250.00
Individual Lifetime License age 45 — 50	\$120.00
Individual Lifetime License age 51 — 55	\$90.00
Individual Lifetime License age 56 — 60	\$60.00
Individual Lifetime License age 61 — 64	\$30.00

## 4 VAC 20-1090-30. License fees for calendar year 2006.

The following listing of license fees applies to any person who purchases a license for the purposes of harvesting for commercial purposes, or fishing for recreational purposes, during any calendar year 2006. License sales for calendar year 2006 commence December 1, 2005:

<b>1. COMMERCIAL LICENSES.</b>	
Commercial Fisherman Registration License	\$190.00

Commercial Fisherman Registration License for a person 70 years or older	\$90.00
Delayed Entry Registration.	\$190.00
Delayed Entry Registration License for a person 70 years or older	\$90.00
Seafood Landing License for each boat or vessel	\$175.00
For each Commercial Fishing Pier over or upon subaqueous beds (mandatory)	\$83.00
Seafood Buyer's License – For each boat or motor vehicle	\$63.00
Seafood Buyer's License – For each place of business	\$126.00
Nonresident Harvester's License	\$444.00
Oyster Harvesting and Shucking Licenses	
For each person taking oysters by hand, or with ordinary tongs	\$10.00
For each single-rigged patent tong boat taking oysters	\$35.00
For each double-rigged patent tong boat taking oysters	\$70.00
Oyster Dredge Public Ground	\$50.00
Oyster Hand Scrape	\$50.00
To shuck and pack oysters, for any number of gallons under 1000	\$12.00
To shuck and pack oysters, for 1000 gallons, up to 10,000	\$33.00
To shuck and pack oysters, for 10,000 gallons, up to 25,000	\$74.00
To shuck and pack oysters, for 25,000 gallons, up to 50,000	\$124.00
To shuck and pack oysters, for 50,000 gallons, up to 100,000	\$207.00
To shuck and pack oysters, for 100,000 gallons, up to 200,000	\$290.00
To shuck and pack oysters, for 200,000 gallons or over	\$456.00
Blue Crab Harvesting and Shedding Licenses	
For each person taking or catching crabs by dip nets	\$13.00
For ordinary trotlines	\$13.00
For patent trotlines	\$51.00
For each boat used for taking or catching hard crabs with dredges	\$96.00
For each single-rigged crab-scrape boat	\$26.00
For each double-rigged crab-scrape boat	\$53.00
For up to 100 crab pots	\$48.00
For over 100 but not more than 150 crab pots	\$79.00
For over 150 but not more than 200 crab pots	\$79.00
For over 200 but not more than 300 crab pots	\$79.00
For over 300 but not more than 500 crab pots	\$127.00
For up to 300 peeler pots	\$36.00
For up to 20 tanks and floats for shedding crabs	\$9.00
For more than 20 tanks or floats for shedding crabs	\$19.00
For each crab trap or crab pound	\$8.00

Horseshoe Crab and Lobster Licenses	
For each person harvesting horseshoe crabs by hand	\$16.00
For each boat engaged in fishing for, or landing of, lobster using less than 200 pots	\$41.00
For each boat engaged in fishing for, or landing of, lobster using 200 pots or more	\$166.00
Clam Harvesting Licenses	
For each person taking or harvesting clams by hand, rake or with ordinary tongs	\$24.00
For each single-rigged patent tong boat taking clams	\$58.00
For each double-rigged patent tong boat taking clams	\$84.00
For each boat using clam dredge (hand)	\$19.00
For each boat using clam dredge (power)	\$44.00
For each boat using hydraulic dredge to catch soft shell clams	\$83.00
For each person taking surf clams	\$124.00
Conch (Whelk) Harvesting Licenses	
For each boat using a conch dredge	\$58.00
For each person taking channeled whelk by conch pot	\$51.00
Finfish Harvesting Licenses	
Each pound net	\$41.00
Each stake gill net of 1,200 feet in length or under, with a fixed location	\$24.00
All other gill nets up to 600 feet	\$16.00
All other gill nets over 600 feet and up to 1200 feet	\$24.00
Each person using a cast net or throw net or similar device	\$13.00
Each fyke net head, weir, or similar device	\$13.00
For fish trotlines	\$19.00
Each person using or operating a fish dip net	\$9.00
On each haul seine used for catching fish, under 500 yards in length	\$48.00
On each haul seine used for catching fish, from 500 yards in length to 1000 yards in length	\$146.00
For each person using commercial hook and line	\$31.00
For each person using commercial hook and line for catching striped bass only	\$31.00
On each boat or vessel under 70 gross tons fishing with purse net, per gross ton, but not more than \$249	\$4.00
On each boat or vessel over 70 gross tons fishing with purse net, per gross ton. Provided the maximum license fee for such vessels shall not be more than \$996	\$8.00
For up to 100 fish pots or eel pots	\$19.00
For over 100 but not more than 300 fish pots or eel pots	\$24.00
For over 300 fish pots or eel pots	\$62.00

# Regulations

2. COMMERCIAL GEAR FOR RECREATIONAL USE.	
Up to five Crab pots	\$36.00
Crab trotline (300 feet maximum)	\$10.00
One crab trap or crab pound	\$6.00
One gill net up to 300 feet in length	\$9.00
Fish dip net	\$7.00
Fish cast net	\$10.00
Up to two eel pots	\$10.00
3. SALTWATER RECREATIONAL FISHING LICENSE.	
Individual License	\$12.50
Temporary 10-Day License	\$5.00
Recreational boat	\$38.00
Head Boat/Charter Boat, six or less passengers	\$190.00
Head Boat/Charter Boat, more than six passengers plus \$5.00 per person over six	\$190.00
Rental Boat, per boat, with maximum fee of	\$9.00
Commercial Fishing Pier (Optional)	\$571.00
Disabled Resident Lifetime Saltwater License	\$5.00
Reissuance of Saltwater Recreational Boat License	\$5.00
Combined Sportfishing License to fish in all inland waters and tidal waters of the Commonwealth during open season	
Residents	\$24.50
Nonresidents	\$42.50
Combined Sportfishing Trip License to fish in all inland waters and tidal waters of the Commonwealth during open season, for five consecutive days	
Residents	\$10.50
Nonresidents	\$15.50
Individual Lifetime License	\$250.00
Individual Lifetime License age 45 – 50	\$120.00
Individual Lifetime License age 51 – 55	\$90.00
Individual Lifetime License age 56 – 60	\$60.00
Individual Lifetime License age 61 – 64	\$30.00

VA.R. Doc. No. R07-10; Filed September 29, 2006, 11:04 a.m.

## TITLE 9. ENVIRONMENT

### VIRGINIA WASTE MANAGEMENT BOARD

#### Final Regulation

**Title of Regulation:** 9 VAC 20-85. Coal Combustion Byproduct Regulations (amending 9 VAC 20-85-20, 9 VAC 20-85-30, 9 VAC 20-85-40, and 9 VAC 20-85-60 through 9 VAC 20-85-170).

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

**Effective Date:** November 29, 2006.

**Agency Contact:** Michael Dieter, Department of Environmental Quality, P.O. Box 1105, Richmond, VA

23218, telephone (804) 698-4146, FAX (804) 698-4327, or email mjdieter@deq.virginia.gov.

#### Summary:

*The amendments modify, add, and repeal definitions; establish procedures for the use, reuse, and reclamation of coal combustion byproducts (CCB); establish appropriate standards for siting, design, construction, and operation of projects using CCB; and update the regulation to recognize fossil fuel combustion products that will eliminate the need for a variance petition without detrimental impact to human health or the environment.*

*The proposed regulation was amended to include designations of how required submittals are to be made and text was added in 9 VAC 20-85-150 to provide that if no deficiencies are identified nor approval is given by day 30 of the documents submitted under that section, the applicant can proceed with construction.*

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

#### CHAPTER 85.

#### [ REGULATIONS GOVERNING MANAGEMENT OF ] COAL COMBUSTION [ ~~BY PRODUCTS~~ BYPRODUCT REGULATIONS ].

#### 9 VAC 20-85-20. Definitions.

In addition to the definitions incorporated by reference, the following words and terms shall have, for the purpose of this chapter, the following meanings:

"ASTM" means the American Society for Testing and Materials.

"CCB" means coal combustion byproducts.

~~"CCB site" means all land and structures, other appurtenances, and improvements on them used to manage CCB by the methods included in either 9 VAC 20-85-40 A or B.~~

"Closure" means the act of securing a ~~CCB fossil fuel combustion products~~ site pursuant to the requirements of this chapter.

"Coal combustion byproducts" means residuals, including fly ash, bottom ash, boiler slag, and flue gas emission control waste produced by coal-fired electrical or steam generating units.

[ "Department" means the Department of Environmental Quality. ]

"Director" means the Director of the Department of Environmental Quality or the Director of the Department of Mines, Minerals and Energy depending on the context.

"Fossil fuel combustion products" means coal combustion byproducts as defined in this regulation, coal combustion byproducts generated at facilities with fluidized bed combustion technology, petroleum coke combustion byproducts, byproducts from the combustion of oil, byproducts from the combustion of natural gas, and byproducts from the combustion of mixtures of coal and "other fuels" (i.e., co-burning of coal with "other fuels" where coal is at least 50% of the total fuel). For purposes of this definition, "other fuels" means waste-derived fuel product, auto shredder fluff, wood wastes, coal mill rejects, peat, tall oil, tire-derived fuel, deionizer resins, and used oil.

"Fossil fuel combustion products site" means all land and structures, other appurtenances, and improvements on them used to manage fossil fuel combustion products by the methods included in either 9 VAC 20-85-40 A or B.

"Perennial stream" means a stream or part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff.

"Speculatively accumulated material" means any material that is accumulated before being used, reused, or reclaimed or in anticipation of potential use, reuse, or reclamation. ~~CCB~~ Fossil fuel combustion products are not being accumulated speculatively when they can be used, reused, or reclaimed, have a feasible means of use, reuse, or reclamation available and 75% of the accumulated ~~CCB~~ fossil fuel combustion products are being removed from the storage annually.

"TCLP" means a chemical analytical procedure described in the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-~~10 et seq.~~

"Waste derived fuel product" means a solid waste or combination of solid wastes that have been treated (altered physically, chemically, or biologically) to produce a fuel product with a minimum heating value of 5,000 BTU/lb. Solid wastes used to produce a waste derived fuel product must have a heating value, or act as binders, and may not be added to the fuel for the purpose of disposal. Waste ingredients may not be listed or characteristic hazardous wastes. The fuel product must be stable at ambient temperature, and not degraded by exposure to the elements. This material may not be "Refuse Derived Fuel (RDF)" as defined in 9 VAC 5-40-890.

**9 VAC 20-85-30. Purpose.**

The purpose of this chapter is to provide for the use of fossil fuel combustion products including coal combustion byproducts (CCB) and to establish appropriate standards for siting, design, construction, operation, and administrative procedures pertaining to their use, reuse, or reclamation.

**9 VAC 20-85-40. Applicability.**

A. This chapter applies to all persons who use, reuse, or reclaim ~~CCB~~ fossil fuel combustion products by applying

them to or placing them on land in a manner other than addressed in the Virginia Solid Waste Management Regulations, 9 VAC 20-80-150 and 9 VAC 20-80-160. 9 VAC 20-80-150 provides for the beneficial use of waste materials such as fossil fuel combustion products, and 9 VAC 20-80-160 provides for conditional exemptions from regulation for fossil fuel combustion products.

B. This chapter establishes minimum standards for the owners or operators of coal mining facilities that accept CCB for mine reclamation or mine refuse disposal on a mine site permitted by the Virginia Department of Mines, Minerals and Energy (DMME) unless otherwise exempt under 9 VAC 20-80-160 B of the Solid Waste Management Regulations. If the permit issued by the DMME in accordance with the Virginia Surface Mining Regulations, 4 VAC 25-130-700.1 et seq., specifies the applicable conditions set forth in Parts III and IV of this chapter, the permittee is exempt from this chapter.

C. Conditions of applicability are as follows:

1. Persons using ~~CCB~~ fossil fuel combustion products other than in a manner prescribed under this chapter, or managing ~~CCB~~ fossil fuel combustion products containing any constituent at a level exceeding levels set forth in Table 1 in Part IV of this chapter, shall manage their waste in accordance with all applicable provisions of the Virginia Solid Waste Management Regulations, 9 VAC 20-80-~~10 et seq.~~

2. Materials which are accumulated speculatively, materials which are not utilized in a manner described in the operation plan required by 9 VAC 20-85-90 of this chapter, and off-specification materials which cannot be utilized or reprocessed to make them usable shall be managed in accordance with all appropriate provisions of the Virginia Solid Waste Management Regulations, 9 VAC 20-80-~~10 et seq.~~; and

3. Storage, stockpiling, and other processing or handling of ~~CCB~~ fossil fuel combustion products, which may need to occur prior to their final placement or use, reuse, or reclamation, shall be in a manner necessary to protect human health and safety and the environment. For projects permitted by the DMME, the storage, stockpiling, or handling of CCB shall be managed in accordance with the Virginia Surface Mining Regulations, 4 VAC 25-130-700.1 et seq.

**9 VAC 20-85-60. Enforcement and appeals.**

A. All administrative enforcement and appeals taken from actions of the [ ~~director~~ department ] relative to the provisions of this chapter shall be governed by the Virginia Administrative Process Act (§ ~~9-6-14:1~~ 2.2-4000 et seq. of the Code of Virginia).

B. The owner or operator of the ~~CCB~~ fossil fuel combustion products site who violates any provision of this chapter will

---

# Regulations

---

be considered to be operating an unpermitted facility as provided for in 9 VAC 20-80-90 of the Solid Waste Management Regulations and shall be required to either obtain a permit as required by Part VII or close under Part V of this chapter.

C. The requirement to obtain a permit or to close the project shall not preclude additional action for remediation or enforcement, including (without limitations) the assessment of civil charges or civil penalties, as is otherwise authorized by law.

## 9 VAC 20-85-70. Locational restrictions.

~~Coal combustion byproducts~~ Fossil fuel combustion products used, reused, or reclaimed on or below ground shall not be placed:

1. In areas subject to base floods unless it can be shown that CCB fossil fuel combustion products can be protected from inundation or washout and that flow of water is not restricted;
2. With the vertical separation between the CCB fossil fuel combustion products and the maximum seasonal water table or bedrock less than two feet;
3. Closer than:
  - a. 100 feet of any perennial stream,
  - b. 100 feet of any water well (other than a monitoring well) in existence at the onset of the project,
  - c. 25 feet of a bedrock outcrop, unless the outcrop is properly treated to minimize infiltration into fractured zones,
  - d. 100 feet of a sinkhole, or
  - e. 25 feet from any property boundary or, in the case of projects permitted by the DMME, 25 feet from the permit boundary.

(NOTE: All distances are to be measured in the horizontal plane.)

4. In wetlands, unless applicable federal, state and local permits are obtained; and
5. On the site of an active or inactive dump, unpermitted landfill, lagoon, or similar facility, even if such facility is closed.

## 9 VAC 20-85-80. Design and construction.

This section prescribes design and construction standards for CCB fossil fuel combustion products sites. The owner or operator of such a site shall ~~prepare~~ submit appropriate design plans, specifications and a design report that address, at a minimum, the requirements contained in this section.

1. A survey benchmark shall be identified and its location referenced on drawings and maps of the site.

2. During construction and filling, off-site runoff shall be diverted around the use, reuse or reclamation areas. The uncovered active CCB fossil fuel combustion products fill areas shall be graded to a maximum slope of 5.0% and a smooth surface maintained to provide for sheet flow runoff and to prevent dusting. Runoff from the use, reuse or reclamation area shall be controlled and contained by use of diversion ditches, sediment traps, berms or collection ponds in accordance with the site erosion control plan. The use, reuse, or reclamation projects shall be designed to divert surface water run on from a 25-year, 24-hour storm event. For projects permitted by the DMME, the standards for runoff, grading, and runoff shall be in accordance with the Coal Surface Mining Reclamation Regulations, 4 VAC 25-130-700.1 et seq.

3. Finished side slopes shall be stable and be configured to adequately control erosion and runoff. Side slopes of 33% will be allowed provided that adequate runoff controls are established. Steeper side slopes may be considered if supported by necessary stability calculations and appropriate erosion and runoff control features. All finished slopes and runoff management units shall be supported by necessary calculations and included in the design report.

4. The finished top slope shall be at least 2.0% to prevent ponding of water, except where covered by a building, a paved roadway, a paved parking surface, paved walkways or sidewalks, or similar structures.

5. Specifications prepared by a registered professional engineer shall be provided that indicate the criteria for the placement of the fossil fuel combustion products based on the intended use of the site. Specifications will include lab and field testing to be performed, testing frequency based on the nature and source of the materials, and the required performance of the material based on the intended use of the site. All test methods will be in accordance with [ ~~ASTM~~ the Standard Guide for Design and Construction of Coal Ash Structural Fills, American Standard Test Method E2277-03 et seq., where applicable ].

- ~~5.~~ 6. Upon reaching the final grade, the placed material shall be covered in accordance with the requirements of Article 4 of this part.

## 9 VAC 20-85-90. Operations.

The owner or operator of a CCB fossil fuel combustion products site shall prepare an operation plan. At a minimum, the plan shall address the requirements contained in this section.

1. Tracking of mud or CCB fossil fuel combustion products onto public roads from the site shall be controlled at all times to minimize nuisances.
2. The addition of any solid waste including but not limited to hazardous, infectious, construction, debris, demolition,

industrial, petroleum-contaminated soil, or municipal solid waste to ~~CCB fossil fuel combustion products~~ is prohibited. This prohibition does not apply to solid wastes from the extraction, beneficiation and processing of ores and minerals conditionally exempted under 9 VAC 20-80-160 A 2 of the Solid Waste Management Regulations.

3. Fugitive dust shall be controlled at the site so it does not constitute nuisances or hazards.

4. After preparing the subbase, ~~CCB fossil fuel combustion products~~ shall be placed ~~in no greater than 12-inch layers. The CCB shall then be compacted to a minimum 95% of the maximum dry density achievable at its optimum moisture content in accordance with the Standard Proctor method, ASTM test designation D 698, or to a minimum of 80% relative density as determined by ASTM test designation D 4254 for coal combustion bottom ash and boiler slag. Field compaction tests shall be taken for each 5,000 cubic yards placed uniformly and compacted to standards, including insitu density, compaction effort and relative density as specified by a registered professional engineer based on the intended use of the fossil fuel combustion products.~~ The placement and compaction of CCB on coal mine sites shall be subject to the applicable requirements of the Coal Surface Mining Reclamation Regulations, 4 VAC 25-130-700.1 et seq.

5. A surface run on and runoff control program shall be implemented to control and reduce the infiltration of surface water through the ~~CCB fossil fuel combustion products~~ and to control the runoff from the placement area to other areas and to surface waters.

6. Runoff shall not be permitted to drain or discharge into surface waters except when in accordance with 9 VAC 25-10-10 et seq., of the State Water Control Board, or otherwise approved by the department.

7. ~~CCB Fossil fuel combustion products~~ site development shall be in accordance with the Virginia Erosion and Sediment Control Regulations, 4 VAC 50-30-10 et seq., or the Coal Surface Mining Reclamation Regulations, 4 VAC 25-130-700.1 et seq., as applicable.

**9 VAC 20-85-100. General.**

Upon reaching the final grade, the owner or operator of a ~~CCB fossil fuel combustion products~~ site shall close his project in a manner that minimizes the need for further maintenance.

**9 VAC 20-85-110. Exemptions from the closure requirements.**

A. An owner or operator of a site that constructs a building, a paved roadway, a paved parking surface, paved walkways and sidewalks, or other similar structures on top of the fill within a reasonable time period of reaching the final grade not to exceed 12 months shall be exempt from the

requirements of this article for the portions of the ~~CCB fossil fuel combustion products~~ site directly under the construction area.

B. An operator of a coal mine site permitted by the DMME who is reclaiming a site in conformance with the Coal Surface Mining Reclamation Regulations, 4 VAC 25-130-700.1 et seq., shall be exempt from the closure requirements contained in the section.

**9 VAC 20-85-120. Closure criteria.**

A. The owner or operator shall install a final cover system that is designed and constructed to:

1. Minimize infiltration through the closed ~~CCB fossil fuel combustion products~~ site by the use of an infiltration layer that contains a minimum 12 inches of earthen material; and
2. Minimize erosion of the final cover by the use of an erosion control layer that contains a minimum of six inches of earthen material and is capable of sustaining the growth of indigenous plant species or plant species adapted to the area.

B. The use of the property after closure shall not disturb the integrity of the final cover, unless the purpose of the disturbance is to construct buildings, paved roadways, paved parking surfaces, paved walkways and sidewalks, or other similar facilities.

C. Within 90 days after placement of the final cover is complete, the owner or operator shall submit:

1. To the local land recording authority, a survey plat prepared by a professional land surveyor registered by the Commonwealth, indicating the location and dimensions of the placement areas. The plat filed with the local land recording authority shall contain a note, prominently displayed, which states the owner's or operator's future obligation to restrict disturbance of the site.
2. To the department, a statement signed by a registered professional engineer that construction has been completed in accordance with [ and meeting the requirements of (i) ] the design plans, specifications, and the design report [ of 9 VAC 20-85-80, (ii) 9 VAC 20-85-90 (operational requirements) ] and [ a report prepared to satisfy and certified by a registered professional engineer documenting that the requirements of 9 VAC 20-85-80 and closure has been performed in accordance with closure plan prepared under 9 VAC 20-85-130 have been met [ (iii) 9 VAC 20-85-100 through 9 VAC 20-85-140 (closure requirements) ] ].

**9 VAC 20-85-130. Closure plan and amendment of plan.**

A. The owner or operator of the ~~CCB fossil fuel combustion products~~ site shall have a written closure plan. This plan shall identify the steps necessary to completely close the site. The plan shall include, at least, a schedule for final closure including, as a minimum, the anticipated date when ~~CCB~~

---

# Regulations

---

fossil fuel combustion products will no longer be received, the date when completion of final closure is anticipated, and intervening milestone dates.

B. The owner or operator may amend his plan at any time during the active life of the project. The owner or operator shall so amend his plan any time changes in operating plans or project design affect the closure plan.

C. At any time during the operating life of the project, the plan shall be made available to the department upon request [~~of the director~~].

## 9 VAC 20-85-140. Time allowed for closure.

The owner or operator shall complete closure activities in accordance with the closure plan and within six months after receiving the final volume of CCB fossil fuel combustion products. The [~~director~~ department] may approve a longer closure period if the owner or operator can demonstrate that the required or planned closure activities will, of necessity, take longer than six months to complete; and that he has taken all necessary steps to eliminate any significant threat to human health and the environment from the unclosed but inactive project.

## 9 VAC 20-85-150. General.

A. Notwithstanding any provisions of Part VII of the Virginia Solid Waste Management Regulations, 9 VAC 20-80-40 ~~et seq.~~, the owner or operator of a site which manages only CCB fossil fuel combustion products allowed under 9 VAC 20-85-40 shall not be required to have a solid waste management facility permit, neither must a CCB fossil fuel combustion products facility operator certified by the Board for Waste Management Facility Operators directly supervise operations at the site, if the owner or operator at least 30 days prior to initial placement of CCB fossil fuel combustion products [~~provides to the appropriate department regional office and verifies receipt of~~]:

1. [~~Provides the director a~~ A] certification that [~~he it~~] has legal control over the CCB fossil fuel combustion products site for the project life and the closure period. For the purposes of this section, on a coal mine site permitted by the DMME, demonstration of legal right to enter and begin surface coal mining and reclamation operations shall constitute compliance with the provisions of this section.

2. [~~With the exception of projects permitted by the DMME, provides the director the~~ A] certification from the governing body of the county, city, or town in which the CCB fossil fuel combustion products site is to be located that the location and operation of the CCB fossil fuel combustion products site are consistent with all applicable ordinances [~~, with the exception of projects permitted by the DMME~~].

3. [~~Provides the director with a~~ A] general description of the intended use, reuse, or reclamation of CCB fossil fuel combustion products. Such description will include:

a. A description of the nature, purpose and location of the CCB fossil fuel combustion products site, including a topographic map showing the site area and available soils, and geological maps. The description shall include an explanation of how CCB fossil fuel combustion products will be stored prior to use, reuse or reclamation, if applicable;

b. The estimated beginning and ending dates for the operation;

c. An estimate of the volume of the CCB fossil fuel combustion products to be utilized; and

d. A description of the proposed type of CCB fossil fuel combustion products to be used, reused or reclaimed, including physical and chemical characteristics of the CCB fossil fuel combustion products. The chemical description shall contain the results of TCLP analyses for the constituents shown in Table 1. The description shall also contain a statement that the project will not manage CCB fossil fuel combustion products that contain any constituent at a level exceeding those shown in the table.

TABLE 1.  
LIST OF CONSTITUENTS AND MAXIMUM LEVELS.

Constituent	Level, mg/lit
Arsenic	5.0
Barium	100
Cadmium	1.0
Chromium	5.0
Lead	5.0
Mercury	0.2
Selenium	1.0
Silver	5.0

[~~4. Provides the director with a~~ A] certification by a professional engineer licensed to practice by the Commonwealth that the project meets the locational restrictions of 9 VAC 20-85-70. Such certificate shall contain no qualifications or exemptions from the requirements.

5. [~~Furnishes to the director a~~ A] certificate signed by a professional engineer licensed to practice by the Commonwealth that the project has been designed in accordance with the standards of 9 VAC 20-85-80 if applicable. Such certificate shall contain no qualifications or exceptions from the requirements and plans.

6. [~~Submits to the director an A<sub>n</sub>~~] operational plan describing how the standards of [~~9 VAC 20-85-80~~ 9 VAC 20-85-90] will be met.

7. [~~Submits to the director a A~~] closure plan describing how the standards of Article 4 of Part III of this chapter will be met, if applicable.

8. [~~Submits to the director a A~~] signed statement that the owner or operator shall allow authorized representatives of the Commonwealth, upon presentation of appropriate credentials, to have access to areas in which the activities covered by this chapter will be, are being, or have been conducted to ensure compliance.

B. The materials submitted under the provisions of subsection A of this section will be evaluated for completeness within 30 days of receipt by the [ appropriate ] department [ regional office ]. [~~Placement of the fossil fuel combustion products may begin after the director has determined that the materials submitted address the requirements of subsection A of this section. If the department notifies the applicant of deficiencies within 30 days, the applicant shall postpone any construction or activities proposed in the application for the department's approval until the department's approval has been received. If the applicant has not received a notice of deficiency within 30 days, the applicant can proceed.~~]

#### **9 VAC 20-85-160. Project modifications.**

The owner or operator of a ~~CEB~~ fossil fuel combustion products site may modify the design and operation of the project by furnishing the department a new certificate required by subdivision A 5 of 9 VAC 20-85-150 and a new operational plan required by subdivision 6 of 9 VAC 20-85-150. Whenever modifications in the design or operation of the project affect the provisions of the closure plan, the owner or operator shall prepare an amended plan in accordance with the requirements of Article 4 of Part III of this chapter.

#### **9 VAC 20-85-170. Applicability.**

The [~~director~~ department] may grant a variance from any requirement contained in Part III of this chapter to the owner or operator of the ~~CEB~~ fossil fuel combustion products site if he demonstrates to the satisfaction of the [~~director~~ department] that granting the variance will not result in an additional risk to the public health or the environment beyond the risk which would be imposed without the variance.

#### [ DOCUMENTS INCORPORATED BY REFERENCE

Standard Guide for Design and Construction of Coal Ash Structure Fills, American Standard Test Method E2277-03, ASTM International, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959.

STANDARD Proctor Method.

Test Designation D698, ASTM.

Test Designation D4254, ASTM.]

VA.R. Doc. No. R05-25; Filed October 10, 2006, 2:00 p.m.

### **Proposed Regulation**

Title of Regulation: **9 VAC 20-130. Solid Waste Planning and Recycling Regulations (amending 9 VAC 20-130-10, 9 VAC 20-130-40, 9 VAC 20-130-60, 9 VAC 20-130-70, 9 VAC 20-130-90, 9 VAC 20-130-110, 9 VAC 20-130-120, 9 VAC 20-130-130, 9 VAC 20-130-165, and 9 VAC 20-130-175 through 9 VAC 20-130-230; adding 9 VAC 20-130-125; repealing 9 VAC 20-130-140, 9 VAC 20-130-150).**

Statutory Authority: § 10.1-1411 of the Code of Virginia, 42 USC § 6942(b); 40 CFR Parts 255 and 256.

Public Hearing Date: December 11, 2006 - 1 p.m.

Public comments may be submitted until 5 p.m. on January 9, 2007.

(See Calendar of Events section for additional information)

Agency Contact: Allen Brockman, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4468, FAX (804) 698-4327, or email [arbrockman@deq.virginia.gov](mailto:arbrockman@deq.virginia.gov).

Basis: Section 10.1-1411 of the Code of Virginia requires that cities, counties and towns of the Commonwealth develop solid waste management plans for their jurisdiction and include provisions to achieve the statutory recycling rate. Several other parts of the Virginia Waste Management Act require the Department of Environmental Quality to consider the plans when issuing permits for solid waste management facilities and in making other specific decisions. Local governments may join with other jurisdictions in a regional plan the jurisdictions approve. Section 10.1-1411 of the Code of Virginia authorizes the Waste Management Board to promulgate and maintain regulations to establish structure for the plans and is further authorized to review and approve the plans.

Purpose: The goal of these regulations is to protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth.

These regulations establish a consistent program framework for local governmental planning for solid waste management needs, while allowing maximum flexibility for planning in accordance with community goals and local traditions. In addition, these regulations promote planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources.

Procedures and rules for designation of regional boundaries for solid waste management plans are established. Also, these regulations provide a mechanism for tracking local government efforts to achieve statutory goals for solid waste

---

# Regulations

---

recycling. These regulations not only specify the statutory requirement that local governments are responsible for recycling a minimum percentage of solid waste, but also the requirements for plan contents.

These regulations confirm the statutory requirements for withholding issuance of solid waste management facility permits if the locality or region's plan has not been approved. The regulations provide for variances and exemptions, when reasonable. Finally, these regulations provide for the reporting and assessment of solid waste management and recycling in the Commonwealth.

Substance: Specifically, the department has proposed that 9 VAC 20-130-120 B be reworded to seek ways to redefine how the mandatory minimum recycling rate is to be calculated. Such redefinition is designed to conform with current recycling practices in the localities and regions. Further, the department has proposed that 9 VAC 20-130-165 (Waste Information and Assessment Program) be extracted from the planning regulations, because the provision is duplicated elsewhere in 9 VAC 20-80-115. The Waste Information Assessment Program focuses on permitted facilities while this regulation focuses on solid waste planning regions.

Planning requirements in 9 VAC 20-130-120 and mandatory plan elements required elsewhere throughout 9 VAC 20-130 have been consolidated and clarified. The department is rewording these sections to define which plan elements are mandatory, and which, if any, are optional, as consistent with the Code of Virginia and board policy. The department has revised procedures for calculating regional recycling rates and has developed specifications for variance qualifications.

Issues: The regulatory action is not seen to pose disadvantages to the public or the Commonwealth. Instead, the main objective here is to incorporate statutory revisions and to clarify existing language and procedures. No net change in cost to the public or the Commonwealth is anticipated.

## Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The Virginia Waste Management Board (board) proposes to make amendments to the Regulations for the Development of Solid Waste Management Plans (9 VAC 20-130). The major changes include:

1. Language relating to the minimum recycling rate is revised to conform to the statutory changes. Pursuant to Chapters 7 and 40 of the 2006 Acts of the General Assembly, the requirement of a minimum 25% recycling rate of the total municipal solid waste will be replaced with a two-tiered recycling rate mandate - 15% and 25%,

depending on the demography of each solid waste planning unit<sup>1</sup>.

2. Minor plan amendments<sup>2</sup> will no longer be required to be approved by the Department of Environmental Quality (DEQ).

3. A provision on the waste information and assessment program (9 VAC 20-130-165) is eliminated due to its duplication in the Virginia Solid Waste Management Regulations (9 VAC 20-80-115). Existing language about plan requirements, plan variances and the calculation of regional recycling rates have been clarified and consolidated.

Results of Analysis. Benefits likely exceed costs in one or more proposed regulatory changes. Detailed analysis of the benefits and costs can be found in the next section.

Estimated Economic Impact. The Virginia Code § 10.1-1411 requires that cities, counties, and towns of the Commonwealth develop solid waste management plans for their jurisdictions and include provisions to achieve the statutory recycling rate. Standards and planning requirements of solid waste management are established in the Regulations for the Development of Solid Waste Management Plans (9 VAC 20-130).

The previous statutory recycling rate was 25% for all solid waste planning units. Legislation introduced in 2006 provides for a two tiered recycling mandate – 15% and 25% which became effective July 1, 2006. According to Virginia Code § 10.1-1411, each solid waste planning unit shall maintain a minimum 15% recycling rate if it has (i) a population density rate of less than 100 persons per square mile according to the most recent United States Census, or (ii) a not seasonally adjusted civilian unemployment rate for the immediately preceding calendar year that is at least 50% greater than the state average as reported by the Virginia Employment Commission for such year. All other solid waste planning units remain at the 25% recycling mandated level.

The board proposes to revise language relating to the minimum recycling rate in the existing regulation to conform to the statutory changes. Although the solid waste planning units that qualify for the 15% minimum recycling rate are not required by the Code to maintain a recycling rate above 15%, those that have already met the previous 25% mandated recycling rate and had their plans approved by the Department of Environmental Quality (DEQ) will be encouraged to maintain the 25% level. According to DEQ, plan amendments that will lower the minimum recycling rate are regarded as major plan amendments and as such, will

---

<sup>1</sup> According to 9 VAC 20-130-10, "Solid Waste Planning Unit" means each region or locality that submits a solid waste management plan.

<sup>2</sup> According to 9 VAC 20-130-175, minor amendments shall include any change that moves toward implementation of a waste management strategy that is higher in the waste management hierarchy and any non-substantive administrative change such as a change in name.

require extensive review by DEQ before a reduction in the planned recycling rate could be approved.

DEQ has provided that 32 out of 74 solid waste management planning units have met the previous 25% mandated recycling rate and have their plans approved. These units will likely not be affected by the change in mandated recycling rate. Among the 42 solid waste planning units that have not had their plans approved yet, 18 remain at the 25% level and will have to revise plans and take measures to meet the mandated 25% recycling rate as they were under the current regulations, while the other 24 qualify for the 15% mandated recycling rate and may have their plans approved without significant work if the disapproval was due to low recycling rate.<sup>3</sup> These units will be affected by the statutory change of recycling rate and will incur savings in time and money related to plan revision and fulfillment of the plan.

DEQ has estimated that environmental consulting firms on average charge \$10,000 to \$20,000 for each plan development under the 25% recycling threshold. The recycling-rate-related cost savings are estimated to be approximately 5% of the former plan costs and range from \$500 to \$1,000 per plan. The estimated total cost savings for the 24 plans will be as much as \$12,000 to \$24,000, if all of the plans are produced and revised by the consulting firms. On the other hand, the consulting firms that work on these 24 plans will incur the same amount of loss due to reduced amount of work which is \$500 to \$1,000 per plan and totals \$12,000 to \$24,000 for the 24 plans.

The reduced mandated recycling rate may reduce the amount of municipal solid waste that will be recycled in the 24 localities or regions qualifying for the 15% mandated recycling rate. Consequently, more municipal solid waste may be processed by other means, with most likely to be landfilled.<sup>4</sup> Generally other solid waste management such as landfilling is less costly than recycling, therefore the 24 localities or regions are likely to incur cost savings in their solid waste management as a result of the reduced recycling rate. According to DEQ, since regulations have been developed to protect the public health and the environment regarding landfill and other types of solid waste management, the increased amount of solid waste management other than recycling will likely not cause any negative impact on the public health or the environment.

The board also proposes that minor plan amendments will no longer require approval by DEQ. These minor plan amendments include any change that moves toward implementation of a waste management strategy that is higher in the waste management hierarchy<sup>5</sup> and any non-substantive

administrative change such as a change in name.<sup>6</sup> Elimination of the approval requirement for minor plan amendments will allow the localities or regions to respond promptly to changes in their solid waste management capacities or the market. Also, this proposed regulatory change will likely cause cost savings in consulting fees for the solid waste planning units because they will likely no longer need consultant services to prepare minor plan amendments. On the other hand, the consulting firms that work on minor plan amendments may incur an equivalent loss in profit. DEQ has estimated that each minor plan amendment costs the planning unit \$100 to \$500 in consulting fees and there will be up to four minor plan amendments each year. Therefore, this proposed regulatory change will result in a total amount of savings of \$400 to \$2,000 for the planning units and the same amount of loss in profit for the consulting firms.

The board proposes to eliminate the provision on the waste information and assessment program (9 VAC 20-130-165) from the existing Regulations for the Development of Solid Waste Management Plans (9 VAC 20-130), because it is duplicated in the Virginia Solid Waste Management Regulations (9 VAC 20-80-115). Existing language about plan requirements, plan variances and the calculation of regional recycling rates have been clarified and consolidated. These proposed changes will reduce confusions and will benefit the solid waste planning units and DEQ without any additional costs.

**Businesses and Entities Affected.** The 24 solid waste planning units that have not met the previous 25% mandated recycling rate while qualifying for the 15% mandated recycling rate will incur cost savings related to plan development and revision as well as plan fulfillment. All solid waste planning units that will complete minor plan amendments will benefit from the elimination of approval requirement for minor amendments. Consulting firms that provide services for plan development (for the 24 units) or minor plan amendments may experience a decrease in profit due to reduced amount of work demanded.

**Localities Particularly Affected.** The proposed regulation will affect all localities or regions in the Commonwealth. Those 24 localities or regions that have not met the previous 25% mandated recycling rate but qualify for the 15% mandated recycling rate will be particularly affected by the statutory change in minimum recycling rate.

**Projected Impact on Employment.** The reduced mandated recycling rate may reduce the amount of municipal solid waste that will be recycled in the 24 localities or regions and increase the amount of municipal solid waste that will be processed by other means, such as landfill. Therefore, these

<sup>3</sup> Most of the plans were not approved because the mandated recycling rate was not met. Some plans were not approved because of other reasons such as failed completeness.

<sup>4</sup> Besides being landfilled, municipal solid waste may be composted or incinerated.

<sup>5</sup> According to 9 VAC 20-130-30, components of the waste management hierarchy are: 1. source reduction; 2. reuse; 3. recycling; 4. resource recovery (waste-to-energy); 5. incineration; and 6. landfilling.

<sup>6</sup> Source: 9 VAC 20-130-175.

---

# Regulations

---

24 localities or regions will likely see fewer people employed in recycling business and more people employed in other businesses of solid waste management such as landfill operation. Consulting firms may incur a reduction in their profit, which will have a negative impact on the number of people employed.

Effects on the Use and Value of Private Property. Consulting firms that provide services for plan development for the 24 units or minor plan amendments in all localities or regions may experience a decrease in profits due to the reduced amount of necessary consulting work, which will commensurately reduce their value.

Small Businesses: Costs and Other Effects. Small consulting firms that provide services for plan development for the 24 units may incur reduction in their profits due to the statutory change in minimum recycling rate. Those engaged in minor plan amendments for all localities or regions may experience a decrease in profits because of reduced amount of work demanded.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed regulation incorporates the mandated recycling rate to conform to the statutory changes. Elimination of the requirement of approval for minor plan amendments will allow the localities or regions to respond promptly to changes in their solid waste management capacities or the market without causing any significant hazard to the public health or the environment. There is no alternative that can have a smaller adverse impact.

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 has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

## Summary:

*The proposed amendments revise the minimum recycling rate to conform to Chapters 7 and 40 of the 2006 Acts of Assembly, no longer require the Department of Environmental Quality to approve minor plan amendments, and eliminate a duplicative provision on the waste information assessment program.*

## CHAPTER 130.

### REGULATIONS FOR THE DEVELOPMENT OF SOLID WASTE MANAGEMENT PLANS PLANNING AND RECYCLING REGULATIONS.

#### **9 VAC 20-130-10. Definitions.**

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

~~"Abandoned material" means any material that is disposed of, burned or incinerated; or accumulated, stored or treated (but not recycled) before or instead of being abandoned by being disposed of, burned or incinerated.~~

"Agricultural waste" means all solid waste produced from farming operations, ~~or related commercial preparation of farm products for marketing.~~

"Board" means the Virginia Waste Management Board.

"Commercial waste" means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

"Compost" means a stabilized organic product produced by composting in such a manner that the product can be handled, stored, and/or applied to the land.

"Composting" means the manipulation of the natural ~~aerobic~~ process of decomposition of organic materials to increase the rate of decomposition.

"Construction waste" means solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to, lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if ~~they~~ the metal or plastics are a part of the materials of construction material or empty containers for such materials. Paints,

coatings, solvents, asbestos-containing material, any liquid, compressed gases, or semi-liquids and garbage are not construction wastes.

~~"Contamination" means the degradation in quality of naturally occurring water, air, or soil resulting either directly or indirectly from human activity.~~

"Debris waste" means solid waste resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

"Demolition waste" means solid waste produced by the destruction of structures and their foundations and includes the same materials as construction wastes.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality or his designee. For purposes of submissions to the director as specified in the Waste Management Act, submissions may be made to the department.

~~"Discarded material" means a material that is: (i) abandoned material as defined in this chapter; (ii) recycled material as defined in this chapter; or (iii) considered inherently waste-like.~~

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

"Facility" means solid waste management facility unless the context clearly indicates otherwise.

~~"Friable asbestos" means any material containing more than 1.0% asbestos by weight that, when dry, may be crumbled, pulverized or reduced to powder by hand pressure and regulated as a special waste.~~

~~"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.~~

"Groundwater" means any water below the land surface in the zone of saturation.

"Hazardous waste" means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulation, 9 VAC 20-60-12 et seq.

~~"Household waste" means any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage), which is regulated by other state agencies.~~

"Incineration" means the controlled combustion of solid waste for disposal.

~~"Incinerator" means a facility or device designed for the treatment for volume reduction of solid waste by combustion.~~

"Industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

~~"Industrial waste landfill" means a solid waste landfill used primarily for the disposal of a specific industrial waste or a waste that is a byproduct of a production process.~~

"Institutional waste" means all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include regulated medical waste from health care facilities and research facilities that must be managed as ~~an~~ a regulated medical waste.

"Integrated waste management plan" means a governmental plan that considers all elements of waste management during generation, collection, transportation, treatment, storage, disposal, and litter control and selects the appropriate methods of providing necessary control and services for effective and efficient management of all wastes. An "integrated waste management plan" must provide for source reduction, reuse and recycling within the jurisdiction and the proper funding and management of waste management programs.

"Jurisdiction" means a local governing body; city, county or town; or any independent entity, such as a federal or state agency, which join with local governing bodies to develop a waste management plan.

"Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill (as these terms are defined in 9 VAC 20-80).

~~"Large diameter tree stumps" means tree stumps larger than six inches in diameter.~~

"Litter" means all waste material, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, farming, or manufacturing.

---

# Regulations

---

"Market" or "markets" means interim or end destinations for the recyclable materials, including a materials recovery facility (MRF).

"Market conditions" means business and system-related issues used to determine if materials can be targeted, collected, and delivered to an interim or end market in an efficient manner. Issues may include, but are not limited to: the cost of collection, storage and/or preparation; the cost of transportation; accessible volumes of materials targeted for recycling; market value of materials targeted for collection/recycling; and distance to viable markets.

"Materials recovery facility (MRF)" means, for the purpose of this regulation, a facility for the collection, processing and marketing of recyclable materials including, but not limited to, metal, paper, plastics, and glass.

"Mulch" means woody waste consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood waste that has undergone size reduction by grinding, shredding, or chipping, and is distributed to the general public for landscaping purposes or other horticultural uses, except composting as defined and regulated under the Solid Waste Management Regulations (9 VAC 20-80) or the Vegetative Waste Management and Yard Waste Composting Regulations (9 VAC 20-101).

"Municipal solid waste" means waste that is normally composed of residential, commercial, and institutional solid waste and residues derived from the combustion of these wastes.

~~"Open dump" means a site on which any solid waste is placed, discharged, deposited, injected, dumped or spilled so as to create a nuisance or present a threat of a release of harmful substances into the environment or present a hazard to human health. Such a site is subject to the open dump criteria in 9VAC20-80-180.~~

"Permit" means the written permission of the director to own, operate or construct a solid waste management facility.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

"Principal recyclable materials (PRMs)" means paper, metal ~~(except automobile bodies)~~, plastic, glass, commingled yard waste, wood, and textiles, tires, used oil, used oil filters, used antifreeze, batteries, electronics, or material as may be approved by the director. ~~"Principal recyclable materials" does not include large diameter tree stumps. Commingled materials refer to single stream collections of recyclables where sorting is done at a materials recovery facility.~~

~~"Recycled material" means a material that is derived from recycling.~~

"Recycling" means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. For the purpose of this chapter, recycling shall not include processes that only involve size reduction.

"Recycling residue" means the (i) nonmetallic substances, including but not limited to plastic, rubber, and insulation, that remain after a shredder has separated the ferrous and nonferrous metal from a motor vehicle, appliance or other discarded metallic item for purposes of recycling and (ii) organic waste remaining after removal of metals, glass, plastics and paper that are to be recycled as part of a resource recovery process for municipal solid waste resulting in the production of a refuse derived fuel.

~~"Refuse" means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.~~

"Regional boundary" means the boundary defining an area of land that will be a unit for the purpose of developing a waste management plan, and is established in accordance with 9 VAC 20-130-180 through 9 VAC 20-130-220.

"Regulated medical waste" means solid wastes so defined by the Regulated Medical Waste Management Regulations (9 VAC 20-120-10 ~~et seq.~~) as promulgated by the Virginia Waste Management Board.

~~"Residential waste" means household waste any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Residential wastes do not include sanitary waste in septic tanks (septage) that is regulated by other state agencies.~~

"Resource recovery system" means a solid waste management system that provides for collection, separation, recycling and recovery of energy or solid wastes, including disposal of nonrecoverable waste residues.

"Reuse" means the process of separating a given solid waste material from the waste stream and using it, without processing or changing its form, other than size reduction, for the same or another end use.

~~"Rubbish" means combustible or slowly putrescible discarded materials that include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."~~

"Sanitary landfill" means an engineered land burial facility for the disposal of ~~solid household waste that, which~~ is so located, designed, constructed and operated to contain and isolate the ~~solid~~ waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction demolition debris, and nonhazardous industrial solid waste.

~~"Scrap metal" means bits and pieces of metal parts such as bars, rods, wire, or metal pieces that may be combined together with bolts or soldering that are discarded material and can be recycled. For the purposes of this chapter, this definition includes the reclaimable metal parts of white goods.~~

"Site" means all land and structures, other appurtenances, and improvements on them used for treating, storing, and disposing of solid waste. This term includes adjacent land within the facility boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. (Note: This term includes all sites whether they are planned and managed facilities or open dumps.)

~~"Sludge" means any solid, semisolid or liquid wastes with similar characteristics and effects waste generated from a public, municipal, commercial or industrial waste water wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste producing facility.~~

~~"Solid waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges that are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended of those materials defined as "solid waste" in 9 VAC 20-80-140.~~

"Solid waste planning unit" means each region or locality that submits a solid waste management plan.

"Solid waste management facility (SWMF)" means a site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

"Source reduction" means any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in

feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process. Source reduction minimizes the material that must be managed by waste disposal or nondisposal options by creating less waste. "Source reduction" is also called "waste prevention," "waste minimization," or "waste reduction."

"Source separation" means separation of recyclable materials ~~from the waste stream~~ by the waste generator of materials that are collected for use, reuse, reclamation, or recycling.

~~"Special wastes" means solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.~~

~~"Supplemental recyclable material" means waste tires, used oil, used oil filters, used antifreeze, automobile bodies, construction waste, demolition waste, debris waste, batteries, ash, sludge or large diameter tree stumps, or material as may be authorized by the director.~~

"Tons" means 2,000 pounds.

"Transfer station" means any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

~~"Trash" means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.~~

~~"Used or reused material" means a material which is either:~~

- ~~1. Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or~~
- ~~2. Employed in a particular function or application as an effective substitute for a commercial product or natural resources.~~

~~For purposes of these regulations, "used or reused material" means a given solid waste material that is separated from the waste stream and used, without processing or changing its form, for the same or another end use.~~

"Vegetative waste" means ~~decomposable~~ decomposable materials generated by yard and lawn care or land-clearing activities and includes, but is not limited to, leaves, grass trimmings, and woody wastes such as shrub and tree prunings, bark, limbs, roots, and stumps. For more detail see 9 VAC 20-101.

"Waste exchange" means any system to identify sources of wastes with potential for use, reuse, recycling or reclamation and to facilitate its acquisition by persons who reuse, recycle

---

# Regulations

---

or reclaim it, with a provision for maintaining confidentiality of trade secrets.

"White goods" means any stoves, washers, hot water heaters or other large appliances. For the purposes of this chapter, this definition also includes, but is not limited to, such Freon-containing appliances as refrigerators, freezers, air conditioners, and dehumidifiers.

"Yard waste" means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter.

## 9 VAC 20-130-40. Purpose of regulations.

The purpose of these regulations is to:

1. Establish minimum requirements for solid waste management standards and planning requirements and recycling for protection of the public health, public safety, the environment, and natural resources throughout the Commonwealth; promote local and regional planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources;
2. Establish procedures and rules for designation of regional boundaries for solid waste management plans;
3. Establish state, local government, regional or area served by the plan ~~responsibility~~ responsible for meeting and maintaining the minimum recycling rates ~~of 25%~~;
4. Establish the requirement in compliance with the Virginia Waste Management Act, §§ 10.1-1411 and 10.1-1408.1 D 1 (vi) of the Code of Virginia, for withholding issuance of permits for solid waste management facility;
5. Provide for reasonable variance and exemptions; and
6. Provide for reporting and assessment of solid waste management and recycling in the Commonwealth in accordance with the Virginia Waste Management Act, § 10.1-1413.1 of the Code of Virginia.

## 9 VAC 20-130-60. Applicability of regulations.

A. This chapter applies to all cities, counties, towns, designated ~~regions~~ solid waste planning units (under 9 VAC 20-130-180) and permitted solid waste facilities within the solid waste planning unit, including those facilities covered under permit by rule procedures found in 9 VAC 20-80. Any city, county, and town within that county may mutually agree to unite for the purpose of solid waste management planning, and upon joint written notification to the director, shall be deemed to be a ~~single~~ solid waste planning unit for development of a ~~local~~ solid waste management plan.

B. Any cities, counties, and towns may be represented by a planning district, public service authority, or designated region that has been adopted under 9 VAC 20-130-90 B.

C. The plan may (subject to statutory authority) specify that all solid waste must be recycled at the rate established by the plan regardless of the point of origin of the solid waste. Solid wastes from both public and private sources shall be subject to such requirement.

## 9 VAC 20-130-70. Enforcement and appeal.

A. All administrative enforcement and appeals taken from actions of the director relative to the provisions of this chapter shall be governed by ~~the Virginia Administrative Process Act (§ 9-6.14:1 et seq. Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia)~~. Enforcement of this chapter will be in accord with §§ 10.1-1186, 10.1-1411 and 10.1-1455 of the Code of Virginia.

B. After July 1, ~~2000~~ 2007, no permit for a ~~solid waste management new sanitary landfill, incinerator, or waste-to-energy facility, or for an expansion, increase in capacity, or increase in the intake rate of an existing sanitary landfill, incinerator, or waste-to-energy facility~~ shall be issued ~~unless the local or regional applicant has a plan approved in accordance with this chapter until the solid waste planning unit within which the facility is located has a solid waste management plan approved by the board in accordance with the regulations, except as otherwise provided in § 10.1-1411 of the Code of Virginia and the permit complies with the statutory requirements of the Virginia Waste Management Act, §§ 10.4-1411 and 10.1-1408.1 D 1 (iv) and 10.1-1411 of the Code of Virginia. These provisions shall not be applicable to permits or permit amendments required for the operation or regulatory compliance of any existing facility, regardless of type, nor shall it be cause for the delay of any technical or administrative review of pending amendments thereto.~~

C. Failure to attain a mandated municipal solid waste recycling rate shall not be the sole cause for the denial of any permit or permit amendment, except as provided herein for sanitary landfills, incinerators, or waste-to-energy facilities, provided that all components of the solid waste management plan for the planning unit are in compliance with the regulations.

D. No application for a new solid waste management facility permit or for a modification of a permit to allow an existing solid waste management facility to expand or increase its capacity shall be complete unless the application contains certification, from the governing body for the locality in which the facility is or will be located, that (i) the proposed new facility or the expansion or increase in capacity of the existing facility is consistent with the applicable local or regional solid waste management plan developed and approved pursuant to § 10.1-1411 of the Code of Virginia; or

(ii) the local government or solid waste management planning unit has initiated the process to revise the solid waste management plan to include the new or expanded facility. Inclusion of such certification shall be sufficient to allow processing of the permit application, up to but not including publication of the draft permit or permit amendment for public comment, but shall not bind the director in making the determination required by § 10.1-1408.1 D 1 of the Code of Virginia.

E. No application for coverage under a permit-by-rule or for modification of coverage under a permit-by-rule shall be complete unless it contains certification from the governing body of the locality in which the facility is to be located that the facility is consistent with the solid waste management plan developed and approved in accordance with § 10.1-1411 of the Code of Virginia.

**9 VAC 20-130-90. Relationship to other bodies of regulation.**

A. This chapter is a solid waste ~~management planning and recycling~~ regulation that specifies minimum standards and planning requirements for solid waste management in the Commonwealth, including solid waste management planning by regional or local governmental entities of the Commonwealth and assessment of solid waste management in the Commonwealth. If there is a mutually exclusive conflict between this chapter and other adopted nonhazardous solid waste management regulations of this agency, the provisions of this chapter are superior. In any detail where there exists no mutually exclusive conflict between this chapter and other regulations of the board, compliance with all regulations is required.

B. Multi-jurisdictional plans developed in fulfillment of the requirements of this chapter must be adopted under authority of the Regional Cooperation Act (Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 of the Code of Virginia), the Virginia Water and Waste Authorities Act (Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2 of The Code of Virginia), the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions (§ 15.2-1300), or other authority as applicable.

C. If there is a mutually exclusive conflict between this chapter and the Virginia Hazardous Waste Management Regulations, the provisions of the hazardous waste regulations are superior. In any detail where no such mutually exclusive conflict exists, compliance with all regulations is required.

**9 VAC 20-130-110. Schedule for plan development.**

A. ~~Every city, county and town~~ Each solid waste planning unit in the Commonwealth shall develop and maintain a solid waste management plan or amend an existing solid waste management plan and submit it for approval in accordance with this chapter. Existing plans may be amended by

addendum of items such as consideration of the waste management hierarchy, the recycling program implementation activities and other requirements of this chapter that are not a part of the existing plan. ~~A local jurisdiction participating in an authorized regional solid waste management plan is not required to develop a separate plan.~~

~~B. A complete, revised solid waste management plan in compliance with this chapter shall be provided to the department no later than July 1, 2004.~~

~~C. B.~~ The department shall review and approve or return comments on the deficiencies in each plan submitted in accordance with 9 VAC 20-130-110 A no later than 90 days from the date the plans are received. In the event the department is unable to complete its review within 90 days, the applicant will be notified and given a date as to when the review will be completed.

~~D. C.~~ Each submitter who receives comments on its solid waste management plan under subsection ~~C B~~ of this section shall submit a ~~corrected~~ revised solid waste management plan to the department no later than 90 days following receipt of notification of deficiencies.

~~E. D.~~ Plans approved without alteration shall become effective upon notification of such approval by the department. If after review of the corrected plan submitted pursuant to subsection ~~D C~~ of this section, the department cannot approve the corrected solid waste management plan because ~~it~~ the department finds the plans plan not to be in accordance with this chapter, it will issue a notice of intent to disapprove to the submitter. The notice of intent to disapprove shall set forth (i) the reason for the disapproval, (ii) what is required for approval, ~~and~~ (iii) the right of the submitter to an ~~informational~~ informal fact-finding proceeding under ~~Article 3 of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia)~~, and (iv) allow the development of an action plan for the solid waste planning unit as set forth in 9 VAC 20-130-120 I. The department will give priority consideration for review of corrected plans where the ~~local or regional body~~ solid waste planning unit has a pending permit application for a solid waste management facility.

~~F. E.~~ The director may revoke the approval of any plan or require its revision and resubmittal if there is evidence that there has been significant deviation from the plan. Significant deviations are departures or omissions from activities planned in accordance with 9 VAC 20-130-120. The department will issue a notice of intent to revoke or require revision and resubmittal of a plan. The notice of intent shall set forth (i) whether the department intends to revoke or require revision and resubmittal of the plan, (ii) the reason the department intends to take the action, and (iii) the right of the submitter of the plan to an ~~informational~~ informal fact-finding proceeding under ~~Article 3 of the Virginia Administrative~~

---

# Regulations

---

~~Process Act (§ 9-6.14:1 et seq. Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia).~~

## **9 VAC 20-130-120. Mandatory plan contents Planning requirements.**

~~A. The solid waste management plan shall include Basic planning elements:~~

- ~~1. An integrated waste management strategy; Objectives for solid waste management within the planning unit;~~
- ~~2. A discussion as to how the plan will be implemented and tracked, consisting of an integrated waste management strategy to support and promote the hierarchy set forth at 9 VAC 20-130-30; giving preference to alternatives in the following order of priority: source reduction, reuse, recycling, resource recovery, incineration, and landfilling;~~
- ~~3. Objectives for solid waste management within the jurisdiction;~~
- ~~4. 3. Definition of incremental stages of progress toward the objectives and schedule for their implementation, including, for compliance with 9 VAC 20-80-500, specific solid waste management facility names, facility capacities, and life based on 20-year need;~~
- ~~5. Descriptions of the funding and resources necessary, including consideration of fees dedicated to future facility development~~
- ~~4. Strategy for the provision of necessary funds and resources;~~
- ~~6. Strategy for the provision of necessary funds and resources~~
- ~~5. Descriptions of the funding and resources necessary, including consideration of fees dedicated to future facility development;~~
- ~~7. 6. Strategy for public education and information on source reduction, reuse, and recycling; and~~
- ~~8. 7. Consideration of public and private sector partnerships and private sector participation in execution of the plan. Existing private sector recycling operations should be incorporated in the plan and the expansion of such operations should be encouraged.~~

~~B. A minimum recycling rate of 25% of the as specified in § 10.1-1411 of the Code of Virginia for total municipal solid waste generated annually in each city, county, town or region solid waste planning unit shall be met and maintained. The plan shall describe how this rate shall be met or exceeded.~~

- ~~1. The plan shall describe how the minimum recycling rate shall be met or exceeded. The department may approve the solid waste management plans of units that do not currently meet the minimum recycling rate only if all other requirements of these regulations have been met and the solid waste planning unit demonstrates its commitment to implementing a strong and detailed action plan for recycling to meet the required rate.~~

~~2. When a solid waste planning unit's annual recycling rate falls below the minimum rate, it shall constitute evidence of a significant deviation from the plan. The plan may be subject to revocation by the department under 9 VAC 20-130-110 E unless the solid waste planning unit submits a recycling action plan acceptable to the department per subsection I of this section.~~

~~C. Calculation methodology shall be included in the plan.~~

~~1. The plan shall describe the method of calculating the rate of recycling. The following formula shall be used:~~

$$\text{Rate} = (\text{Recycled}/\text{Total}) \times 100\%$$

~~Where, "Recycled" equals the amount of principal recyclable material received during the previous 12 months for recycling and "Total" is the amount of municipal solid waste generated within the jurisdiction during the previous 12 months.~~

~~The amounts may be expressed in the following units:~~

- ~~a. The actual weight of each component.~~
- ~~b. The volume of each component.~~
- ~~c. The estimated weight of each component based on the most accurate survey or estimated per capita weight.~~

~~2. The amount of supplemental recyclable material that is reused or recycled may be added into both the "Recycled" and "Total" amounts in each calculation method.~~

~~3. Any local government or regional solid waste management body that is participating in the used tire management program sponsored by the department may add the amount of those tires to both the "Recycling" and "Total" amounts in the recycling rate calculation.~~

~~4. Any local government or regional solid waste management body may include mulched yard waste in both the "Recycled" and "Total" amounts simultaneously for the required recycling rate calculations if it can be demonstrated that the finished mulch will be marketed or otherwise used productively. In addition, any local government or regional solid waste management body may include composted yard waste in both the "Recycled" and "Total" amounts simultaneously for the required recycling rate calculations if it can be demonstrated that the finished compost will be marketed or otherwise used productively.~~

~~5. Any local government or regional solid waste management body may include used oil, used oil filters, and used antifreeze in the "Recycled" and "Total" amounts if it can be demonstrated that the oil, used oil filters and used antifreeze will be marketed or used productively.~~

~~6. Where a source reduction of any municipal solid waste material or reuse of a principal recyclable material is documented to have occurred, is accurately quantified and is requested as a petition for a variance in accordance with~~

~~9 VAC 20-130-230, the director may issue a credit for the amount to be added into the "Recycled" and "Total" amounts in each calculation method. The credit may be for a part of the source reduction or reuse amount if the director finds that to be more appropriate. The director shall grant such a credit only where an effective recycling program is being implemented. The director shall not grant the credit if the minimum recycling rate of 25% is being achieved.~~

~~7. These regulations shall permit a credit, to be added into the "Recycled" and "Total" amounts in each calculation method, of one ton for each ton of recycling residue generated in Virginia and deposited in a landfill permitted under subsection M of §10.1-1408.1 of the Code of Virginia. The total annual credits shall not exceed one fifth of the 25% required recycling rate.~~

C. The solid waste management plan shall include data and analyses of the following type(s) for each jurisdiction. Each item below shall be in a separate section and labeled as to content:

1. Population information and projections for 20 years of population growth and development patterns;

2. Urban concentrations, geographic conditions, economic growth and development, markets for the reuse and recycling of materials, transportation conditions, and related factors;

3. Estimates of solid waste generation from residential, commercial institutional, industrial, construction, demolition, debris and other types of sources, including the amounts reused, recycled, recovered as a resource, incinerated and landfilled. Entities engaged in the collection, processing, and marketing of recyclable materials should provide data for incorporation into the recycling rate calculation, when requested by the planning unit.

4. A listing of existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use;

5. All milestones in the implementation of the solid waste management plan over the 20-year projection and the parties responsible for each milestone;

6. A description of programs for solid waste reduction, reuse, recycling, resource recovery, incineration, storage, treatment, disposal and litter control;

7. A description of outreach programs for waste exchange, public education and public participation;

8. The procedures for and results of evaluating solid waste collection, including transfer stations; and

9. The assessment of all current and predicted needs for solid waste management for a period of 20 years and a description of the action to be taken to meet those needs.

D. All known solid waste disposal sites, closed, inactive and active, within the area of the solid waste management plan shall be documented and recorded at a centralized archive authorized to receive and record information and a copy shall be sent to the ~~director~~ department. All new sites shall be recorded at the same central data source.

E. A methodology shall be utilized to monitor the amount of solid waste of each type produced within the area of the solid waste management plan and to record the annual production by solid waste types at a centralized archive and a copy shall be sent to the ~~director~~ department. ~~Waste types include but are not limited to broad classes such as municipal solid waste, construction/demolition/debris, industrial, regulated medical waste, white goods, friable asbestos, petroleum contaminated soil and the major categories of principle and supplemental recyclable materials.~~

F. The solid waste management plan shall include, when developed locally, a copy of the local governing body's resolution adopting the solid waste management plan.

G. The solid waste management plan shall include, when developed regionally, a copy of the resolution approving the plan adopted in accordance with the Virginia Area Development Act, the Virginia Water and Waste Authorities Act, the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions (§ 15.2-1300 of the Code of Virginia), or other authority as applicable.

H. The solid waste management plan shall clearly and explicitly demonstrate the manner in which the goals of the planning requirements in these regulations shall be accomplished and actions to take if these requirements are not met.

I. A planning unit that does not meet the requirements of these regulations may submit an action plan, by mail or electronic mail, for approval by the department. Such action plans shall include:

1. A description of the deficiency that requires the development of the action plan.

2. A time schedule to resolve the deficiency(ies) associated with the planning unit's failure to meet the requirements of the approved solid waste management plan.

3. A reporting requirement to the department, of a minimum of once every six months, including activities or updates documenting how the action plan requirements are being met.

4. Plans and all subsequent reports and submittals shall be reviewed by the department within 30 days of receipt by the department.

---

# Regulations

---

5. All the department's requests for further information or response(s) shall be provided within 30 days of receipt at the planning unit. The department may grant reasonable extensions to these deadlines on a case-by-case basis.

## **9 VAC 20-130-125. Recycling requirements.**

A. Each solid waste planning unit shall maintain a minimum recycling rate for municipal solid waste generated within the solid waste planning unit pursuant to the following schedule:

1. Except as provided in subdivision 2 of this subsection, each solid waste planning unit shall maintain a minimum 25% recycling rate; or

2. Each solid waste planning unit shall maintain a minimum 15% recycling rate if it has (i) a population density rate of less than 100 persons per square mile according to the most recent United States Census, or (ii) a not seasonally adjusted civilian unemployment rate for the immediately preceding calendar year that is at least 50% greater than the state average as reported by the Virginia Employment Commission for such year.

B. The minimum recycling rate shall be determined by the following formula:

$$\text{Recycling Rate} = \frac{[\text{PRMs recycled}]}{[\text{MSW generated}] + [\text{all Credits in C}]}$$

Where: PRMs recycled equals the amount of principle recyclable materials received for recycling each calendar year; and

MSW generated equals the sum of PRMs recycled and MSW disposed. (MSW disposed equals the amount of MSW delivered to landfills, transfer stations, incineration and waste-to-energy facilities)

The amounts shall be expressed in tons using one of the methods below:

1. The actual weight of each component in tons; or
2. The volume of each component, converted to weight in tons (conversion chart in Form DEQ 50-30).

C. Credits may be added to the recycling formula in subsection B of this section provided that the aggregate of all such credits shall not exceed five percentage points of the annual municipal solid waste recycling rate achieved for each solid waste planning unit:

1. A credit of one ton for each ton of any nonmunicipal solid waste material that is recycled;
2. A credit of one ton for each ton of any solid waste material that is reused;
3. A credit of one ton for each ton of recycling residue generated in Virginia and deposited in a landfill permitted under § 10.1-1408.1 of the Code of Virginia;

4. A credit of two percentage points of the minimum recycling rate mandated for the solid waste planning unit for a source reduction program that is implemented within the solid waste planning unit. The existence and operation of such a program shall be certified by the solid waste planning unit; and

5. A credit of one ton for each inoperable vehicle for which a locality receives reimbursement from the Virginia Department of Motor Vehicles under § 46.2-1407 of the Code of Virginia.

D. Yard wastes and vegetative wastes are deemed to be recycled if they are composted or mulched and the finished mulch or compost is marketed or otherwise used productively. Tires are deemed to be recycled if they are beneficially used in a method consistent with the waste tire program operated by the department. Used oil, oil filters and antifreeze are deemed to be recycled if they are marketed or otherwise used productively.

## **9 VAC 20-130-130. Public participation.**

A. Prior to the solid waste planning unit's submission of a solid waste management plan or a major amendment to the plan to the department, the submitter shall publish a notice and hold a public hearing on the plan in accordance with the procedures of the local government or regional planning agency or governments in the solid waste planning unit. When the solid waste planning unit represents multiple government units, the submitter of a major plan amendment(s) needs to conduct the above public participation requirements only in the county or locality where the major amendment is to be located. A record of the public hearing, a copy of all written comments and the submitter's response to all comments received shall be submitted with the plan.

B. Plan developers shall, in accordance with their own rules and procedures, provide for extensive participation by the public through the use of citizen advisory committees and public meetings during the development of the plan.

## **9 VAC 20-130-140. Plan objectives. (Repealed.)**

Every solid waste management plan shall be a fully integrated waste management plan that considers all elements of waste management. The plan shall:

1. Include consideration of the hierarchy defined in 9 VAC 20-130-30 giving preference to alternatives in the following order of priority: source reduction, reuse, recycling, resource recovery, incineration, and landfilling;
2. Clearly and explicitly demonstrate the manner in which the goals of the mandatory objectives defined in 9VAC20-130-120 shall be accomplished;
3. Include, when developed locally, a copy of the local governing body's resolution adopting the plan; and

4. Include, when developed regionally, a copy of the resolution approving the plan adopted in accordance with the Virginia Area Development Act, the Virginia Water and Waste Authorities Act, the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions § 15.2-1300 of the Code of Virginia, or other authority as applicable.

**9 VAC 20-130-150. Incorporated data. (Repealed.)**

The local government or regional solid waste management plan shall include data and analyses of the following type for each jurisdiction. Each item below shall be in a separate section and labeled as to content:

1. Population information and projections for 20 years of population growth and development patterns;
2. Urban concentrations, geographic conditions, economic growth and development, markets for the reuse and recycling of materials, transportation conditions, and related factors;
3. Estimates of solid waste generation from households, commercial institutions, industries and other types of sources, including the amounts reused, recycled, recovered as a resource, incinerated and landfilled. Estimates should identify special waste to include, at least, the following: stumps, land clearing debris and construction wastes, motor vehicle tires, waste oil, batteries, sludges, mining wastes, septage, agricultural wastes and spill residues;
4. A listing of existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use;
5. All milestones in the implementation of the solid waste management plan over the 20 year projection and the parties responsible for each milestone;
6. A description of programs for solid waste reduction, reuse, recycling, resource recovery, incineration, storage, treatment, disposal and litter control;
7. A description of outreach programs for waste exchange, public education and public participation;
8. The procedures for and results of evaluating solid waste collection, including transfer stations; and
9. The assessment of all current and predicted needs for solid waste management for a period of 20 years and a description of the action to be taken to meet those needs.

**9 VAC 20-130-165. Waste Information and Assessment Program Annual recycling data reporting.**

A. The owners or operators of all permitted facilities that treat, store, or dispose of solid waste shall report by March 31 of each year the amount of solid waste, by weight or volume, received and managed in the Commonwealth during the

preceding calendar year. The report shall identify solid waste by the following categories: (i) municipal solid waste; (ii) construction and demolition debris; (iii) industrial waste; (iv) regulated medical waste; (v) vegetative and yard waste; (vi) incinerator ash; (vii) sludge other than sludge that is land applied in accordance with § 32.1-164.5 of the Code of Virginia; (viii) tires; (ix) white goods; (x) friable asbestos; (xi) petroleum contaminated soil; and (xii) other special waste. For each such category the report shall include an estimate of the amount that was generated outside of the Commonwealth and the jurisdictions where such waste originated.

The report shall also estimate the amount of solid waste managed or disposed of by each of the following methods: (i) recycling; (ii) composting; (iii) landfilling; (iv) incineration (v) sending off site for further management; and (vi) stored on site on December 31 of the reporting year. This section shall not apply to captive waste management facilities. The report is to be sent to the department regional office for the facility's location.

Information on the available capacity and expected life of the facilities at the disposal rates submitted in this subsection shall be included in the annual report required by this section.

B. At the option of the facility owner, the data collected may include an accounting of the facility's economic benefits to the locality where the facility is located including the value of disposal and recycling facilities provided to the locality at no cost or reduced cost, direct employment associated with the facility, and other economic benefits resulting from the facility during the preceding calendar year.

C. No facility shall be required pursuant to this section to provide information that is a trade secret as defined in § 59.1-336 of the Code of Virginia.

D. Every city, county and town in the Commonwealth, or solid waste management planning region approved pursuant to 9 VAC 20-130-180, shall submit to the department by April 30 of each year, the data and calculations required in 9 VAC 20-130-120 B and C.

Every solid waste planning unit shall submit to the department by April 30 of each year the data and calculations required in 9 VAC 20-130-125 A, B, and C.

**9 VAC 20-130-175. Amendments to plans.**

A. Amendments to the plans shall be classified as major or minor. These classifications are described in this section below.

1. Major amendments shall include:
  - a. Any addition, deletion, or cessation of operation of any solid waste facility;
  - b. Any increase in landfill capacity;

---

# Regulations

---

c. Any change that moves toward implementation of a waste management strategy that is lower in the waste management hierarchy;

d. Action plan(s), including an action plan to address a planning unit's recycling rate that has fallen below the statutory minimum; and

e. Any change to membership in the approved area.

2. Minor amendments shall include any change that moves toward implementation of a waste management strategy that is higher in the waste management hierarchy and any nonsubstantive administrative change such as a change in name. Minor amendments shall be submitted, by mail or electronic mail, directly to the department for notation. The planning units are the repository for the minor amendments to the plans.

~~B. Any amendments to the plans shall be approved by the department prior to implementation.~~

~~C. B.~~ Major amendments shall require the same public participation as detailed in 9 VAC 20-130-130 before being submitted, by mail or electronic mail, to the department for approval prior to implementation.

~~D. Minor amendments shall be submitted directly to the department for approval.~~

~~E. C.~~ The department shall review major amendments and approve or return comments on the any deficiencies in each amendment submitted in accordance with this section no later than 90 days from the date the plans amendments are received. In the event the department is unable to complete its review within 90 days, the applicant will be notified and given a date as to when the review will be completed. No department approval shall be necessary for minor amendments.

~~F. D.~~ Each submitter who receives comments on his solid waste management plan major plan amendment under subsection E C of this section shall submit a corrected amendment to the department no later than 90 days following notification of deficiencies.

~~G. Amendments~~ E. Major amendments approved without alteration shall become effective upon notification. If after review of the corrected amendment submitted pursuant to subsection F D of this section, the department cannot approve the corrected amendment because it finds the amendment not to be in accordance with this chapter, it will issue a notice of intent to disapprove to the submitter. The notice of intent to disapprove shall set forth (i) the reason for the disapproval, (ii) what is required for approval, and (iii) the right of the submitter to an informational informal fact-finding proceeding under Article 3 of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia). The department will give priority consideration for review of corrected

amendments when the ~~local or regional body~~ planning unit has a pending permit application for a solid waste management facility.

F. Solid waste management planning units are required to maintain current plans. On or before each five-year anniversary of the department's plan-approval date, the planning unit shall submit a letter to the department, by mail or electronic mail, certifying that the following plan elements, listed in 9 VAC 20-130-120 C, have been maintained and updated: waste generation estimates are current, the schedule increments have been met, and a projected 20-year waste management capacity remains available or projects otherwise are on schedule to meet the unit's solid waste needs. The letter of certification will be used in the department's assessment of whether any plan amendments are necessary and to ensure compliance with 9 VAC 20-130-110 E.

## **9 VAC 20-130-180. Designation of regions solid waste planning units.**

The director has been authorized by the Governor to designate regional boundaries defining areas and jurisdictions to be considered for joint development of solid waste management plans. Only those regions solid waste planning units meeting the standards established in this chapter will be considered. Any group of jurisdictions may petition the director for designation as a region solid waste planning unit, and, if the proposed region meets the standards established for designation, the director shall approve the request.

## **9 VAC 20-130-190. Development of designated regions solid waste planning units.**

A. At least 14 days prior to designating a regional boundary for solid waste management planning, the director shall place a notice of the proposed regional boundary and an opportunity to comment in the Virginia Register of Regulations and in a newspaper of general circulation within the proposed region solid waste planning unit.

B. If, as a result of the notices required by subsection A of this section, the director feels a significant need exists to hold a public hearing on the issues, a public hearing shall be held in the proposed region prior to the designation. At least 14 days prior to the public hearing, a notice of the proposed public hearing shall appear in the same publications as the notice under subsection A of this section.

## **9 VAC 20-130-200. Considerations in designating a regional boundary solid waste planning unit boundaries.**

A. The following shall be considered in designating regional solid waste planning unit boundaries:

1. Geographic areas or jurisdictions which have a history of cooperating to solve problems in environmental or other related matters;

2. Existing regional management systems, authorities or similar institutions;
3. The size, configuration and location of the regional areas should have sufficient solid waste contribution and market availability to support the solid waste management system;
4. Solid waste types within areas and mutuality of solid waste management interests;
5. Geologic, hydrologic, soil and groundwater conditions; availability of land and soils; and natural barriers and ecosystems; and
6. Existing planning areas established for purposes other than solid waste management including the existence of informational databases containing data related to that needed for solid waste management planning and recycling.

B. Areas included within a solid waste planning boundary boundaries unit's may be local or regional.

1. A local area may include a city, town or county and any towns within the county that through mutual agreement join with the county for the purpose of developing a plan.
2. A regional area may include:
  - a. The jurisdictions with existing regional planning district boundaries;
  - b. Any combination of local governments formally joined to form a region or service authority, or
  - c. Existing waste management or public service authorities.

**9 VAC 20-130-210. Criteria for designating a ~~regional planning agency~~ solid waste planning unit.**

A. The director may authorize an official committee or public body as authorized to develop, adopt and promulgate the solid waste management plan.

B. Prospective ~~regional planning agencies~~ solid waste planning units shall have:

1. Demonstrated ability to plan, manage or operate solid waste management and recycling services; or
2. Completed planning that resulted in successful implementation of solid waste management and recycling facilities or services.

C. An entity designated as responsible for developing a ~~regional~~ solid waste management plan shall:

1. Be an organization that represents the executive boards of jurisdictions within the ~~region~~ solid waste planning unit;
2. Have planning authority for the regional area;
3. Be capable of readily starting the plan development work tasks;

4. Have an established methodology for resolving conflicts, making planning decisions and providing public participation in the development of the plan;
5. Have experience in environmental planning and have a staff experienced in the work tasks involved in such planning;
6. Have established a methodology and authority sufficient to implement the plan once it is complete and approved; and
7. Have access to informational resources within the region.

**9 VAC 20-130-220. Amendment of ~~regional boundary~~ solid waste planning unit boundaries.**

The director may amend a ~~regional~~ solid waste planning unit's boundary based on an application from the governing body or bodies of the ~~region~~ solid waste planning unit. Along with the application, each locality (within the original region and any locality being added) must submit a letter acknowledging the change in the boundary.

**9 VAC 20-130-230. Petitioning for variance or exemption.**

A. Any person regulated by this chapter may petition the director to grant a variance or an exemption from any requirement of this chapter subject to the provisions of this section. Any petition submitted to the ~~director~~ department is also subject to ~~Article 3 of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. Chapter 40 (§ 2.2-4000 et seq.)~~ of Title 2.2 of the Code of Virginia).

B. The director may grant the variance or an exemption provided the applicant demonstrates to the satisfaction of the director that:

1. The solid waste planning unit has demonstrated that it has made a good faith effort to comply with the minimum recycling rates and with the requirements of this chapter before that unit petitioned for a variance; and
2. (i) If the minimum recycling rate is addressed in the petition, and strict application of the minimum recycling rates will result in undue hardship as a result of the solid waste planning unit's particular market conditions that are beyond the planning unit's control; or (ii) if the recycling rate is not addressed in the petition and granting the variance will not have an adverse impact on the integrity of the overall solid waste management plan.

~~B. C.~~ The petition shall be submitted to the ~~director~~ department by certified mail and shall include:

1. The petitioner's name and address;
2. A statement of petitioner's interest in the proposed action;

# Regulations

VA.R. Doc. No. R06-29; Filed October 10, 2006, 2:00 p.m.

3. A description of desired action and a citation of the regulation from which a variance is requested;

4. A description of need and justification for the proposed action, including impacts from existing operations and market conditions (if, ~~based on the evidence submitted in a petition, the director determines that market conditions within a county, city, town or region make unreasonable the mandatory recycling rates specified in this chapter and that the market conditions are beyond the control of the county, city, town or region, a variance from those rates may be issued~~ the planning unit chooses to petition for subdivision B 2 (i) of this section);

5. The duration of the variance, if applicable;

~~6. The potential impact of the variance on public health or the environment;~~

~~7. 6.~~ Other information believed by the applicant to be pertinent; and

~~8. 7.~~ The following statement signed by the petitioner or authorized representative:

"I certify that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

## D. Petition processing and resolution.

1. In the case of a denial, the petitioner's procedural rights are outlined in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

2. If the director grants a variance request, the notice to the petitioner shall provide that the variance may be terminated upon a finding by the director that the petitioner has failed to comply with any variance requirements.

**NOTICE:** The forms used in administering 9 VAC 20-130, Solid Waste Planning and Recycling Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

Solid Waste Information and Assessment Program-Reporting Table, DEQ Form 50-25 (rev. 2/05).

Locality Recycling Rate Report, DEQ Form 50-30 (rev. 4/03 2/06).

## TITLE 14. INSURANCE

### STATE CORPORATION COMMISSION

#### Revised Proposed Regulation

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

This regulatory action was initially proposed in 22:21 VA.R. 2760-2772 June 26, 2006. New proposed changes are shown in brackets.

**Title of Regulation:** **14 VAC 5-30. Rules Governing Life Insurance and Annuity Replacements (amending 14 VAC 5-30-10 through 14 VAC 5-30-40, and 14 VAC 5-30-60 through 90; adding 14 VAC 5-30-51 and 14 VAC 5-30-55; repealing 14 VAC 5-30-50, 14 VAC 5-30-100 and Exhibit A).**

**Statutory Authority:** §§ 12.1-13 and 38.2-223 of the Code of Virginia.

**Public Hearing Date:** Upon request -- Public comments may be submitted until November 30, 2006.

**Agency Contact:** Jacqueline K. Cunningham, Deputy Director, State Corporation Commission, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, toll free 1-800-552-7945 or email marie.cox@scc.virginia.gov.

#### Summary:

*The revised proposed amendments add annuities to the products under the rules governing replacement, and for consistency with the most recent National Association of Insurance Commissioners (NAIC) "Life Insurance and Annuities Replacement Model Regulation." The procedural requirements for insurers and agents have been amended so that they are consistent with the NAIC Model. The revised proposed regulation modifies definitions and exemptions. New forms are also attached to the revised rules.*

AT RICHMOND, OCTOBER 10, 2006

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2006-00128

Ex Parte: In the matter of  
Adopting Revisions to the  
Rules Governing Life  
Insurance Replacements

ORDER TO TAKE NOTICE OF REVISED PROPOSED  
RULES

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code.

In an Order to Take Notice dated June 5, 2006, the Bureau of Insurance ("Bureau") submitted to the Commission a proposal to revise and amend the "Rules Governing Life Insurance Replacements," which are set out at 14 VAC 5-30-10 through 14 VAC 5-30-100. Pursuant to an Order entered by the Commission in this matter dated October 10, 2006, the Commission has vacated its Order Adopting Revisions to these Rules, and is allowing the Bureau to submit Revised Proposed Rules for an additional comment period.

The purpose of the revised proposed Rules is to add annuities to the products under the rules governing replacement, and for consistency with the most recent National Association of Insurance Commissioners (NAIC) "Life Insurance and Annuities Replacement Model Regulation."

In light of comments that the Bureau previously received, the revised proposed rules are also modified at 14 VAC 5-30-20 in the definitions of "agent," "illustration," and "marketing communications," and at 14 VAC 5-30-30 in the Exemptions section. In addition, the Bureau recommends modification to Forms 30-A and 30-C.

The Commission is of the opinion that the revised proposed Rules submitted by the Bureau of Insurance should be considered for adoption.

THEREFORE, IT IS ORDERED THAT:

(1) The revised proposed Rules entitled "Rules Governing Life Insurance *and* Annuity Replacements," which are set out at 14 VAC 5-30-10 through 14 VAC 5-30-100, be attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to

oppose the adoption of the revised proposed Rules shall file such comments or hearing request on or before November 30, 2006, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-2006-00128.

(3) If no request for a hearing on the adoption of the revised proposed Rules is filed on or before November 30, 2006, the Commission, upon consideration of any comments submitted in support of or in opposition to the revised proposed Rules, may adopt the Rules as submitted by the Bureau of Insurance.

(4) AN ATTESTED COPY hereof, together with a copy of the revised proposed Rules, shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Jacqueline K. Cunningham, who forthwith shall give further notice of the adoption of the revised proposed Rules by mailing a copy of this Order, together with the revised proposed Rules, to all companies licensed by the Commission to write life insurance, variable life insurance, annuities, or variable annuities in Virginia.

(5) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the revised proposed Rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(6) The Commission's Division of Information Resources shall also make available this Order and the attached revised proposed Rules on the Commission's website, <http://www.scc.virginia.gov/caseinfo.htm>.

(7) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

CHAPTER 30.  
RULES GOVERNING LIFE INSURANCE AND  
ANNUITY REPLACEMENTS.

**14 VAC 5-30-10. Purpose.**

The purpose of this chapter (~~14 VAC 5-30-10 et seq.~~) is to regulate the activities of insurers and agents with respect to the replacement of existing life insurance and annuities and to protect the interests of life insurance policyholders and annuity purchasers by establishing minimum standards of conduct to be observed in the replacement or proposed replacement of existing life insurance financed purchase transactions.

---

# Regulations

---

## 14 VAC 5-30-20. Definitions.

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

"Agent" [ or "producer" ] means [ ~~a person defined in § 38.2-1800 of the Code of Virginia~~ an individual or business entity that sells, solicits, or negotiates contracts of insurance or annuity in this Commonwealth ].

"Commission" means the State Corporation Commission.

~~"Conservation" means any attempt by the existing insurer or its agent to discourage a policyowner from the replacement of existing life insurance. A conservation does not include routine administrative procedures such as late payment reminders or late payment or reinstatement offers.~~

~~"Direct response insurer" means an insurer that does not utilize an agent in the sale or delivery of the policy.~~

"Direct-response solicitation" means a solicitation through a sponsoring or endorsing entity or individually, made solely through mail, telephone, the Internet or other mass communication media.

"Existing insurer" means the ~~insurer~~ insurance company whose policy or contract is or is proposed to be replaced will be changed or affected in a manner described within the definition of "replacement."

~~"Existing life insurance" means any in force life insurance, including life insurance under a binding or conditional receipt or within the unconditional refund period.~~

"Existing policy or contract" means an individual life insurance policy (policy) or annuity contract (contract) in force, including a policy under a binding or conditional receipt or a policy or contract that is within an unconditional refund period.

"Financed purchase" means the purchase of a new policy or contract involving the actual or intended use of funds obtained by the withdrawal or surrender of, or by borrowing from values of an existing policy or contract to pay all or part of any premium due on the new policy or contract. For purposes of a regulatory review of an individual transaction only, if a withdrawal, surrender or borrowing involving the policy values of an existing policy is used to pay premiums on a new policy owned by the same policyholder and issued by the same company within four months before or 13 months after the effective date of the new policy, it will be deemed prima facie evidence of the policyholder's intent to finance the purchase of the new policy with existing policy values. This prima facie standard is not intended to increase or decrease the monitoring obligations contained in 14 VAC 5-30-60 A 5.

"Guaranteed elements" means the premiums, benefits, values, credits or charges under a policy of life insurance or an annuity contract that are guaranteed and determined at issue.

"Illustration" means a presentation or depiction that includes [ ~~both guaranteed and~~ ] nonguaranteed elements of a life insurance policy or an annuity contract over a period of years.

~~"Insurer" means any individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's, fraternal benefit society, or any other legal entity defined as an "insurer" in the Code of Virginia insurance company required to be licensed under the laws of this Commonwealth.~~

"Marketing communication" [ or "sales material" ] means [ ~~oral,~~ ] printed, written, electronic, or other material of any type from any source which is used by an agent or insurer and which is designed to create or has the effect of creating public interest in life insurance or annuities, or in an insurer or agent, or induces or tends to induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace or retain a policy or contract including, but not limited to:

1. Printed or published material, audiovisual material, mailing envelopes, descriptive literature of an insurer or agent used in direct mail, newspapers, magazines, radio, Internet, telephone and television scripts, billboards or similar displays;
2. Descriptive literature and sales aids of all kinds, authored by the insurer, its agents, or third parties, issued, distributed, or used by an insurer or agent including but not limited to circulars, leaflets, booklets, depictions, illustrations, pictures, form letters, electronic solicitations, pamphlets, brochures, and books or portions thereof;
3. Materials, statements, or communications of any type used for the recruitment, training, and education of an insurer's sales personnel and agents which are designed to be used or are used to induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace, or retain a policy or contract; and
4. Prepared or extemporaneous sales talks, presentations, and material for use or used by sales personnel or agents.

"Marketing communication" [ or "sales material" ] for the purpose of this chapter does not include:

1. Communications or materials used within an insurer's own organization, not used as a sales aid, and not disseminated to the public;
2. Communications with ~~policyholders~~ policy or contract holders other than material urging them to purchase, increase, modify, reinstate, borrow on, surrender, replace, or retain a policy [ or contract ]; or contract
3. A general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written

or arranged; provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

"Nonguaranteed elements" means the premiums, benefits, values, credits, or charges under a life insurance policy or an annuity contract that are not guaranteed or not determined at issue.

"Policy summary" means:

1. For policies or contracts other than universal life policies, a written statement regarding a policy or contract that shall contain to the extent applicable, but need not be limited to, the following information: current death benefit; annual contract premium; current cash surrender value; current dividend; application of current dividend; and amount of outstanding loan.

2. For universal life policies, a written statement that shall contain at least the following information: the beginning and end date of the current report period; the policy value at the end of the previous report period and at the end of the current report period; the total amounts that have been credited or debited to the policy value during the current report period, identifying each by type (e.g., interest, mortality, expense and riders); the current death benefit at the end of the current report period on each life covered by the policy; the net cash surrender value of the policy as of the end of the current report period; and the amount of outstanding loans, if any, as of the end of the current report period.

"Replacing insurer" means the insurer insurance company that issues or is proposed proposes to issue a new policy or annuity contract that is a replacement of replaces an existing life insurance policy or contract or is a financed purchase.

"Registered contract" means a variable annuity contract or variable life insurance policy subject to the prospectus delivery requirements of the Securities Act of 1933 (15 USC § 77a et seq.).

"Replacement" means any a transaction in which a new life insurance or an annuity has been or policy or contract is to be purchased, and it is known or should be known to the proposing agent, or the proposing insurer if there is no agent is involved, knows or should know that because of such by reason of the transaction, an existing life insurance policy or contract has been or is to be:

1. Lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer, or otherwise terminated;
2. Changed Converted to reduced paid-up or extended term insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;

3. Amended to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force; or for which benefits would be paid;

4. Reissued with any reduction in cash value;:

5. Used in a financed purchase.

"Universal life policy" means a life insurance policy in which separately identified interest credits (other than in connection with dividend accumulation, premium deposit funds, or other supplementary accounts) and mortality and expense charges are made to the policy. A universal life policy may provide for other credits and charges, such as charges for the cost of benefits provided by the rider.

**14 VAC 5-30-30. Exemptions.**

A. Unless otherwise specifically included, this chapter (14 VAC 5-30-10 et seq.) shall not apply to:

1. Replacement of annuity contracts;
2. 1. Credit life insurance;
3. Life insurance issued in connection with a pension, profit sharing, group, or other benefit plan qualifying for tax deductibility of premiums, provided that:
  - a. A portion or all of the premium is paid by someone other than the certificate holder, insured, or beneficiary;
  - b. No individual underwriting is required with respect to any proposed insurance policy, and
  - c. As to any plan otherwise qualifying for exemption by this subsection, full and complete disclosure of all material facts shall be provided the administrator of the plan subject to replacement.
4. Situations where the replacing insurer and the existing insurer are the same.
2. Group life insurance or group annuities where there is no direct solicitation of individuals by an agent. Direct solicitation shall not include any group meeting held by an agent solely for the purpose of educating or enrolling individuals or, when initiated by an individual member of the group, assisting with the selection of investment options offered by a single insurer in connection with enrolling that individual. Group life insurance or group annuity certificates marketed through direct response solicitation shall be subject to the provisions of 14 VAC 5-30-70;
3. Group life insurance and annuities used to fund prearranged funeral contracts;
4. An application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or when the existing policy or contract is being replaced by the same insurer [ pursuant to a plan filed and approved by the commission ];

---

# Regulations

---

5. Proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company;

6. a. Policies or contracts used to fund (i) an employee pension or welfare benefit plan that is covered by the Employee Retirement Income Security Act (ERISA) (29 USC § 1001 et seq.); (ii) a plan described by 26 USC §§ 401(a), 401(k) or 403(b) of the Internal Revenue Code, where the plan, for purposes of ERISA, is established or maintained by an employer; (iii) a governmental or church plan defined in 26 USC § 414 of the Internal Revenue Code, a governmental or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax-exempt organization under 26 USC § 457 of the Internal Revenue Code; or (iv) a nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

b. Notwithstanding subdivision a of this subsection, this chapter shall apply to policies or contracts used to fund any plan or arrangement that is funded solely by contributions an employee elects to make, whether on a pretax or after-tax basis, and where the insurer has been notified that plan participants may choose from among two or more insurers and there is a direct solicitation of an individual employee by an agent for the purchase of a policy or contract. As used in this subsection, direct solicitation shall not include any group meeting held by an agent solely for the purpose of educating individuals about the plan or arrangement or enrolling individuals in the plan or arrangement or, when initiated by an individual employee, assisting with the selection of investment options offered by a single insurer in connection with enrolling that individual employee;

7. Where new coverage is provided under a life insurance policy or contract and the cost is borne wholly by the insured's employer or by an association of which the insured is a member;

8. Existing life insurance that is a nonconvertible term life insurance policy that will expire in five years or less and cannot be renewed;

9. Immediate annuities that are purchased with proceeds from an existing contract. Immediate annuities purchased with proceeds from an existing policy are not exempted from the requirements of this chapter;

10. Structured settlements.

B. Registered contracts shall be exempt from the requirements of 14 VAC 5-30-51 A 2 and 14 VAC 5-30-55 B with respect to the provision of illustrations or policy summaries; however, premium or contract contribution amounts and identification of the appropriate prospectus or offering circular shall be required instead.

## **14 VAC 5-30-40. Duties of agents.**

A. Each An agent who initiates an application shall submit to the insurer to whom an application for life insurance is presented, with or as part of the application—, a statement signed by both the applicant and the agent as to whether the applicant has existing policies or contracts. If no policies or contracts are indicated, the agent's duties with respect to replacement are complete.

1. A statement signed by the applicant as to whether replacement of existing life insurance is involved in the transaction; and

2. A statement signed by the agent as to whether the agent knows replacement is or may be involved in the transaction.

B. Where a replacement is involved, the agent shall:

1. Present to the applicant, not later than at the time of taking the application, a replacement notice as described in Exhibit A or other substantially similar form approved by the Commission. The notice shall be signed by both the applicant and the agent and left with the applicant.

2. Obtain with or as part of each application a list of all existing life insurance to be replaced. Such existing life insurance shall be identified by name of insurer and policy number. If a policy number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

3. Leave with the applicant the original or a copy of written or printed marketing communications used for presentation to the applicant.

4. Submit to the replacing insurer with the application a copy of the replacement notice provided pursuant to subdivision B1 of this section and a separate statement containing the information described in subdivision B2 of this section.

C. Each agent who uses a written or printed marketing communication in a conservation shall leave with the applicant the original or a copy of written or printed marketing communications used in the conservation.

B. If policies or contracts are listed indicating existing coverage referred to in subsection A of this section, the agent shall present and read to the applicant, not later than at the time of taking the application, a notice regarding replacements (Form 30-A) or other substantially similar form approved by the commission. However, no approval shall be required when amendments to the notice are limited to the omission of references not applicable to the product being sold or replaced. The notice shall be signed by both the applicant and the agent, attesting that the notice has been read aloud by the agent or that the applicant did not wish the notice to be read aloud (in which case the agent need not have

read the notice aloud). The notice shall be left with the applicant.

C. The notice shall list all life insurance policies or annuities proposed to be replaced, properly identified by name of insurer, the insured or annuitant, and policy or contract number if available; and shall include a statement as to whether each policy or contract will be replaced or whether a policy will be used as a source of financing for the new policy or contract. If a policy or contract number has not been issued by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

D. In connection with a replacement transaction, the agent shall leave with the applicant, at the time an application for a new policy or contract is completed, the original or a copy of all marketing communications. Electronically presented marketing communications shall be provided to the policy or contract owner in printed form no later than at the time of policy or contract delivery.

E. Except as provided in 14 VAC 5-30-51 C, in connection with a replacement transaction, the agent shall submit to the insurer to which an application for a policy or contract is presented, a copy of each document required by this section, a statement identifying any preprinted or electronically presented company-approved marketing communications used, and copies of any individualized marketing communications, including any illustrations related to the specific policy or contract purchased.

**14 VAC 5-30-50. Duties of all insurers. (Repealed.)**

Each insurer shall:

- ~~1. Inform its agents or other personnel responsible for compliance with this chapter of the requirements of this chapter (14 VAC 5-30-10 et seq.).~~
- ~~2. Require with or as a part of each completed application for life insurance or annuity a statement signed by the applicant as to whether such proposed insurance or annuity will replace existing life insurance.~~

**14 VAC 5-30-51. Duties of replacing insurers that use agents.**

A. Where a replacement is involved in the transaction, the replacing insurer shall:

1. Verify that the required forms are received and are in compliance with this chapter;
2. Notify any other existing insurer that may be affected by the proposed replacement within five business days of receipt of a completed application indicating replacement or when the replacement is identified, if not indicated on the application, and mail a copy of the available illustration or policy summary for the proposed policy or available disclosure document for the proposed contract within five business days of a request from an existing insurer;

3. Be able to produce copies of the notification regarding replacement required in 14 VAC 5-30-40 B, indexed by agent, for at least five years; and

4. Provide to the policy or contract owner notice of the right to examine the policy or contract for at least 10 days from the delivery of the policy or contract and the right of return to receive an unconditional full refund of all premiums or considerations paid on it, including any policy fees or charges or, in the case of a variable or market value adjustment contract, a payment of the cash surrender value provided under the contract plus the fees and other charges deducted from the gross premiums or considerations or imposed under the contract. The notice may be included in Form 30-A or 30-C.

B. In transactions where the replacing insurer and the existing insurer are the same or subsidiaries or affiliates under common ownership or control, credit shall be allowed for the period of time that has elapsed under the replaced policy's or contract's incontestability and suicide period up to the face value of the existing policy or contract. With regard to financed purchases, the credit may be limited to the amount the face value of the existing policy is reduced by the use of existing policy values to fund the new policy or contract.

C. If an insurer prohibits the use of marketing communication other than that approved by the company, as an alternative to the requirements made of an insurer pursuant to 14 VAC 5-30-40 E, the insurer may:

1. Require with each application a statement signed by the agent that:

- a. Represents that the agent used only company-approved marketing communications; and
- b. States that copies of all marketing communications were left with the applicant in accordance with 14 VAC 5-30-40 D; and

2. Within 10 days of the issuance of the policy or contract:

- a. Notify the applicant by sending a letter or by verbal communication with the applicant by a person whose duties are separate from the marketing area of the insurer, that the agent has represented that copies of all marketing communications have been left with the applicant in accordance with 14 VAC 5-30-40 D;
- b. Provide the applicant with a toll-free number to contact company personnel involved in the compliance function if compliance did not occur;
- c. Stress the importance of retaining copies of the marketing communications for future reference; and

3. Be able to produce a copy of the letter or other verification in the policy file for at least five years after the termination or expiration of the policy or contract.

---

# Regulations

---

## **14 VAC 5-30-55. Duties of the existing insurer.**

A. Where a replacement is involved in the transaction, the existing insurer shall retain and be able to produce all replacement notifications received, indexed by replacing insurer, for at least five years.

B. Where a replacement is involved in the transaction, the existing insurer shall send a letter to the policy or contract owner advising of the right to receive information regarding the existing policy or contract values including, if available, an illustration, or policy summary if an illustration cannot be produced within five business days of receipt of a notice that an existing policy or contract is being replaced. The information shall be provided within five business days of receipt of the request from the policy or contract owner.

C. Where a replacement is involved in the transaction and upon receipt of a request to borrow, surrender or withdraw any policy or contract values, the existing insurer shall send a notice, advising the policy or contract owner that the release of policy or contract values may affect the guaranteed elements, nonguaranteed elements, face amount or surrender value of the policy or contract from which the values are released. The notice shall be sent separate from the check if the check is sent to anyone other than the policy or contract owner. In the case of consecutive automatic premium loans, the insurer is only required to send the notice at the time of the first loan.

## **14 VAC 5-30-60. Duties of insurers that use agents.**

A. Each insurer that uses an agent in a life insurance or annuity sale shall maintain a system of supervision and control to insure compliance with the requirements of this chapter that shall include at least the following:

1. Require with or as part of each completed application for life insurance or annuity, a statement signed by the agent as to whether he or she knows replacement is or may be involved in the transaction.

2. Where a replacement is involved:

a. Require from the agent with the application for life insurance or annuity (i) a list of all of the applicant's existing life insurance to be replaced and (ii) a copy of the replacement notice provided the applicant pursuant to subdivision B1 of 14 VAC 5-30-40. Such existing life insurance shall be identified by name of insurer and policy number. If a policy number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

b. Send to the existing insurer a written communication advising of the replacement or proposed replacement and including the name of the insured and the identification information with respect to the existing life insurance to be replaced that it obtained pursuant to subdivision 2a of this section. This written communication shall be made

within three working days of the date the application is received in the replacing insurer's home or regional office, or the date the proposed policy is issued, whichever is sooner.

1. Inform its agents of the requirements of this chapter and incorporate the requirements of this chapter into all relevant agent training manuals prepared by the insurer;

2. Provide to each agent a written statement of the company's position with respect to the acceptability of replacements providing guidance to its agents as to the appropriateness of these transactions;

3. A system to review the appropriateness of each replacement transaction that the agent does not indicate is in accord with subdivision A 2 of this section;

4. Procedures to confirm that the requirements of this chapter have been met; and

5. Procedures to detect transactions that are replacements of existing policies or contracts by the existing insurer, but that have not been reported by the applicant or agent. Compliance with this chapter may include, but shall not be limited to, systematic customer surveys, interviews, confirmation letters, or programs of internal monitoring.

B. Each insurer shall have the capacity to monitor each agent's life insurance policy and annuity contract replacements for that insurer, and shall produce, upon request, and make such records available to the commission. The capacity to monitor shall include the ability to produce records for each agent's:

1. Life replacements, including financed purchases, as a percentage of the agent's total annual sales for life insurance;

2. Number of lapses of policies by the agent as a percentage of the agent's total annual sales for life insurance;

3. Annuity contract replacements as a percentage of the agent's total annual annuity contract sales;

4. Number of transactions that are unreported replacements of existing policies or contracts by the existing insurer detected by the company's monitoring system as required by subdivision A 5 of this section; and

5. Replacements, indexed by replacing agent and existing insurer.

C. Each insurer shall require with or as a part of each application for life insurance or an annuity a signed statement by both the applicant and the agent as to whether the applicant has existing policies or contracts.

D. Each insurer shall require a completed notice regarding replacements (Form 30-A) with each application for life

insurance or an annuity that indicates an existing policy or contract.

E. When the applicant has existing policies or contracts, each insurer shall be able to produce copies of any marketing communication required by 14 VAC 5-30-40 E, the illustrations related to the specific policy or contract that is purchased, and the agent's and applicant's signed statements with respect to financing and replacement for at least five years after the termination or expiration of the proposed policy or contract.

F. Each insurer shall ascertain that the marketing communication and illustrations required by 14 VAC 5-30-40 E meet the requirements of this chapter and are complete and accurate for the proposed policy or contract.

G. If an application does not meet the requirements of this chapter, each insurer shall notify the agent and applicant and fulfill the outstanding requirements.

H. Each insurer shall maintain records in paper, photograph, microprocess, magnetic, mechanical or electronic media, or by any process that accurately reproduces the actual document.

**14 VAC 5-30-70. Duties of replacing insurers that are with respect to direct response insurers solicitations.**

Each replacing insurer that is a direct response insurer shall:

1. If the insurer did not propose the replacement, send to the applicant with the policy a replacement notice as described in Exhibit A or other substantially similar form approved by the Commission.

A. In the case of an application that is initiated as a result of a direct response solicitation, the insurer shall require, with or as part of each completed application for a policy or contract, a statement asking whether the applicant, by applying for the proposed policy or contract, intends to replace, discontinue or change an existing policy or contract. If the applicant indicates a replacement or change is not intended or if the applicant fails to respond to the statement, the insurer shall send the applicant, with the policy or contract, a notice regarding replacement (Form 30-B), or other substantially similar form approved by the commission.

2. B. If the insurer has proposed the replacement or if the applicant indicates a replacement is intended and the insurer continues with the replacement, the insurer shall:

- a. Provide to applicants or prospective applicants with or as a part of the application a replacement notice as described in Exhibit A or other substantially similar form approved by the Commission.
- b. Request from the applicant with or as a part of the application, a list of all existing life insurance to be replaced. Such existing life insurance shall be identified by name of insurer.

e. Comply with the requirements of subdivision 2b of 14 VAC 5-30-60 if the applicant furnishes the names of the existing insurers.

1. Provide to the applicant or prospective applicant with the policy or contract a notice (Form 30-C), or other substantially similar form approved by the commission. In these instances the insurer may delete the references to the agent, including the agent's signature, and references not applicable to the product being sold or replaced, without having to obtain approval of the form from the commission. The insurer's obligation to obtain the applicant's signature shall be satisfied if it can demonstrate that it has made a diligent effort to secure a signed copy of this notice. The requirement to make a diligent effort shall be deemed satisfied if the insurer includes in the mailing a self-addressed postage prepaid envelope with instructions for the return of the signed notice; and

2. Comply with the requirements of 14 VAC 5-30-51 A 2, if the applicant furnishes the names of the existing insurers, and the requirements of 14 VAC 5-30-51 A 3, A 4 and B.

**14 VAC 5-30-80. Penalties.**

A. ~~Any~~ An insurer, agent, representative, officer, or employee of an insurer failing to comply with the requirements of this chapter (~~14 VAC 5-30-10 et seq.~~) shall be subject to such penalties as may be appropriate under the insurance laws of Virginia.

B. ~~This chapter (14 VAC 5-30-10 et seq.) does not prohibit the use of additional material other than that which is required that is not in violation of this chapter (14 VAC 5-30-10 et seq.) or any other Virginia statute or regulation.~~

~~C. Policyowners~~ B. Policy and contract owners have the right to replace existing ~~life insurance policies or contracts~~ after indicating in or as part of the application for ~~life insurance or annuity~~ new coverage that ~~such replacement~~ is not their intention. However, patterns of ~~such~~ action by ~~policyowners~~ policy or contract owners who purchase the replacing policies from the same agent shall be deemed prima facie evidence of the agent's knowledge that replacement was intended in connection with the ~~sale of those policies~~ identified transactions, and ~~such~~ these patterns of action shall be deemed prima facie evidence of the agent's intent to violate this chapter (~~14 VAC 5-30-10 et seq.~~).

C. Where it is determined that the requirements of this chapter have not been met, the replacing insurer shall provide to the policyowner an in-force illustration if available, or policy summary for the replacement policy or available disclosure document for the replacement contract and the appropriate notice regarding replacements (Form 30-A or 30-C).

---

# Regulations

---

## 14 VAC 5-30-90. Severability.

If any section or portion of a section provision of this chapter (14 VAC 5-30-10 et seq.), or the applicability thereof its application to any person or circumstance, is for any reason held to be invalid by a court, the remainder of this chapter (14 VAC 5-30-10 et seq.), or and the applicability application of such provision the provisions to other persons, or circumstances shall not be affected thereby.

## 14 VAC 5-30-100. ~~Relationship to other rules and regulations.~~ (Repealed.)

~~If any portion of this chapter (14 VAC 5-30-10 et seq.) is inconsistent with any provision of any other regulation dealing with life insurance or annuity marketing practices or disclosure, said inconsistent portion shall be interpreted to be consistent with such other regulations.~~

### ~~EXHIBIT A:~~

#### ~~REPLACING YOUR LIFE INSURANCE POLICY?~~

~~Are you thinking about buying a new policy and discontinuing or changing an existing policy? If you are, your decision could be a good one or a mistake. You will not know for sure unless you make a careful comparison of your existing policy and the proposed policy.~~

~~Make sure you understand the facts. You should ask the company or agent that sold you your existing policy to give you information about it.~~

~~Hear both sides before you decide. This way you can be sure you are making a decision that is in your best interest.~~

~~We are required by Virginia law to notify your existing company that you may be replacing their policy.~~

~~Applicant's Signature~~

~~Date~~

~~Agent's Signature~~

<p><b>NOTICE:</b> The forms used in administering 14 VAC 5-30, Rules Governing Life Insurance and Annuity Replacements are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>
---

### FORMS

Form 30-A, Important Notice: Replacement of Life Insurance or Annuities (agent) (eff. [ ~~7/06~~ 4/07 ]).

Form 30-B, Notice Regarding Replacement (eff. [ ~~7/06~~ 4/07 ]).

Form 30-C, Important Notice: Replacement of Life Insurance or Annuities (no agent) (eff. [ ~~7/06~~ 4/07 ]).



Form 30-A (p. 2)

A replacement may not be in your best interest, or your decision could be a good one. You should make a careful comparison of the costs and benefits of your existing policy or contract and the proposed policy or contract. One way to do this is to ask the company or agent that sold you your existing policy or contract to provide you with information concerning your existing policy or contract. This may include an illustration of how your existing policy or contract is working now and how it would perform in the future based on certain assumptions. Illustrations should not, however, be used as a sole basis to compare policies or contracts. You should discuss the following with your agent to determine whether replacement or financing your purchase makes sense:

**PREMIUMS:** Are they affordable?  
Could they change?  
You're older—are premiums higher for the proposed new policy?  
How long will you have to pay premiums on the new policy? On the old policy?

**POLICY VALUES:** New policies usually take longer to build cash values and to pay dividends.  
Acquisition costs for the old policy may have been paid, you will incur costs for the new one.  
What surrender charges do the policies have?  
What expense and sales charges will you pay on the new policy?  
Does the new policy provide more insurance coverage?

**INSURABILITY:** If your health has changed since you bought your old policy, the new one could cost you more, or you could be turned down.  
You may need a medical exam for a new policy.  
Claims on most new policies for up to the first two years can be denied based on inaccurate statements.  
Suicide limitations may begin anew on the new coverage.

**IF YOU ARE KEEPING THE OLD POLICY AS WELL AS THE NEW POLICY:**

How are premiums for both policies being paid?  
How will the premiums on your existing policy be affected?  
Will a loan be deducted from death benefits?  
What values from the old policy are being used to pay premiums?

**IF YOU ARE SURRENDERING AN ANNUITY OR [INTEREST SENSITIVE] LIFE PRODUCT:**

Will you pay surrender charges on your old contract?  
What are the interest rate guarantees for the new contract?  
Have you compared the contract charges or other policy expenses?

**OTHER ISSUES TO CONSIDER FOR ALL TRANSACTIONS:**

What are the tax consequences of buying the new policy?  
Is this a tax free exchange? (See your tax advisor.)  
Is there a benefit from favorable "grandfathered" treatment of the old policy under the federal tax code?  
Will the existing insurer be willing to modify the old policy?  
How does the quality and financial stability of the new company compare with your existing company?

STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

Page 24 of 26

FORM 30-B (eff. [7/06 4/07])

**NOTICE REGARDING REPLACEMENT**  
**REPLACING YOUR LIFE INSURANCE POLICY OR ANNUITY?**

Are you thinking about buying a new life insurance policy or annuity and discontinuing or changing an existing one? If you are, your decision could be a good one—or a mistake. You will not know for sure unless you make a careful comparison of your existing benefits and the proposed policy or contract's benefits.

Make sure you understand the facts. You should ask the company or agent that sold you your existing policy or contract to give you information about it.

Hear both sides before you decide. This way you can be sure you are making a decision that is in your best interest.

STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

Page 25 of 26

FORM 30-C (eff. [7/06 4/07])

**IMPORTANT NOTICE:  
REPLACEMENT OF LIFE INSURANCE OR ANNUITIES**

You are contemplating the purchase of a life insurance policy or annuity contract. In some cases this purchase may involve discontinuing or changing an existing policy or contract. If so, a replacement is occurring. Financed purchases are also considered replacements.

A replacement occurs when a new policy or contract is purchased and, in connection with the sale, you discontinue making premium payments on the existing policy or contract, or an existing policy or contract is surrendered, forfeited, assigned to the replacing insurer, or otherwise terminated or used in a financed purchase.

A financed purchase occurs when the purchase of a new life insurance policy involves the use of funds obtained by the withdrawal or surrender of or by borrowing some or all of the policy values, including accumulated dividends, of an existing policy, to pay all or part of any premium or payment due on the new policy. A financed purchase is a replacement.

You should carefully consider whether a replacement is in your best interests [~~by reviewing the questions on page 2 of this form~~]. You will pay acquisition costs and there may be surrender costs deducted from your policy or contract. You may be able to make changes to your existing policy or contract to meet your insurance needs at less cost. A financed purchase will reduce the value of your existing policy and may reduce the amount paid upon the death of the insured.

We want you to understand the effects of replacements and ask that you answer the following questions and consider the questions on the back of this form.

1. Are you considering discontinuing making premium payments, surrendering, forfeiting, assigning to the insurer, or otherwise terminating your existing policy or contract?  YES  NO
2. Are you considering using funds from your existing policies or contracts to pay premiums due on the new policy or contract?  YES  NO

Please list each existing policy or contract you are contemplating replacing (include the name of the insurer, the insured, and the policy or contract number if available) and whether each policy or contract will be replaced or used as a source of financing:

	INSURER NAME	CONTRACT OR POLICY #	INSURED OR ANNUITANT	REPLACED (R) OR FINANCING (F)
1.				
2.				
3.				

Make sure you know the facts. Contact your existing company or its agent for information about the old policy or contract. If you request one, an in force illustration, policy summary or available disclosure documents must be sent to you by the existing insurer. Ask for and retain all [~~marketing communication sales material~~] used by the agent in the sales presentation. Be sure that you are making an informed decision.

I certify that the responses herein are, to the best of my knowledge, accurate:

\_\_\_\_\_  
Applicant's Signature and Printed Name

\_\_\_\_\_  
Date

STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

Page 26 of 26

Form 30-C (p. 2)

A replacement may not be in your best interest, or your decision could be a good one. You should make a careful comparison of the costs and benefits of your existing policy or contract and the proposed policy or contract. One way to do this is to ask the company or agent that sold you your existing policy or contract to provide you with information concerning your existing policy or contract. This may include an illustration of how your existing policy or contract is working now and how it would perform in the future based on certain assumptions. Illustrations should not, however, be used as a sole basis to compare policies or contracts. You should discuss the following with your agent to determine whether replacement or financing your purchase makes sense:

**PREMIUMS:** Are they affordable?  
Could they change?  
You're older—are premiums higher for the proposed new policy?  
How long will you have to pay premiums on the new policy? On the old policy?

**POLICY VALUES:** New policies usually take longer to build cash values and to pay dividends.  
Acquisition costs for the old policy may have been paid, you will incur costs for the new one.  
What surrender charges do the policies have?  
What expense and sales charges will you pay on the new policy?  
Does the new policy provide more insurance coverage?

**INSURABILITY:** If your health has changed since you bought your old policy, the new one could cost you more, or you could be turned down.  
You may need a medical exam for a new policy.  
Claims on most new policies for up to the first two years can be denied based on inaccurate statements.  
Suicide limitations may begin anew on the new coverage.

**IF YOU ARE KEEPING THE OLD POLICY AS WELL AS THE NEW POLICY:**

How are premiums for both policies being paid?  
How will the premiums on your existing policy be affected?  
Will a loan be deducted from death benefits?  
What values from the old policy are being used to pay premiums?

**IF YOU ARE SURRENDERING AN ANNUITY OR [INTEREST SENSITIVE] LIFE PRODUCT:**

Will you pay surrender charges on your old contract?  
What are the interest rate guarantees for the new contract?  
Have you compared the contract charges or other policy expenses?

**OTHER ISSUES TO CONSIDER FOR ALL TRANSACTIONS:**

What are the tax consequences of buying the new policy?  
Is this a tax free exchange? (See your tax advisor.)  
Is there a benefit from favorable "grandfathered" treatment of the old policy under the federal tax code?  
Will the existing insurer be willing to modify the old policy?  
How does the quality and financial stability of the new company compare with your existing company?

---

VA.R. Doc. No. R06-262; Filed October 10, 2006, 4:57 p.m.

---

# Regulations

---

## Revised Proposed Regulation

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

This regulatory action was initially proposed in 22:21 VA.R. 2773-2775 June 26, 2006. New proposed changes are shown in brackets.

**Title of Regulation:** 14 VAC 5-45. Rules Governing Suitability in Annuity Transactions (adding 14 VAC 5-45-10 through 14 VAC 5-45-50).

**Statutory Authority:** §§ 12.1-13 and 38.2-223 of the Code of Virginia.

**Public Hearing Date:** Upon request -- Public comments may be submitted until November 30, 2006.

**Agency Contact:** Jacqueline K. Cunningham, Deputy Director, State Corporation Commission, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, toll free 1-800-552-7945, FAX (804) 371-9944, or email marie.cox@scc.virginia.gov.

**Summary:**

*The revised proposed regulations follow the National Association of Insurance Commissioners "Suitability in Annuity Transactions Model Regulation." The proposed regulations set forth standards and procedures for recommendations to consumers that result in a transaction involving annuity products, so that the insurance needs and financial objectives of consumers at the time of the transaction are appropriately addressed. The proposed regulations apply to any recommendation to purchase or exchange an annuity made to a consumer by an insurance agent, or an insurer where no agent is involved, that results in the purchase or exchange recommended. The revised proposed regulation amends the definition of "agent." The proposed regulations are as a result of increasing reports of inappropriate sales of annuities to consumers of all ages.*

AT RICHMOND, OCTOBER 10, 2006

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

Ex Parte: In the matter of           CASE NO. INS-2006-00129  
Adopting New Rules  
Governing Suitability in  
Annuity Transactions

## ORDER TO TAKE NOTICE OF REVISED PROPOSED RULES

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code.

In an Order to Take Notice dated June 2, 2006, The Bureau of Insurance ("Bureau") submitted to the Commission a proposal to adopt new "Rules Governing Suitability in Annuity Transactions" which are recommended to be set out at 14 VAC 5-45-10 through 14 VAC 5-45-50. Pursuant to an Order entered by the Commission in this matter dated October 10, 2006, the Commission has vacated its Order adopting these Rules, and is allowing the Bureau to submit Revised Proposed Rules for an additional comment period.

The revised proposed Rules closely follow the National Association of Insurance Commissioners (NAIC) Model Regulation on the same subject. The revised proposed Rules are as a result of increasing reports of inappropriate sales of annuities to consumers of all ages. In light of comments that the Bureau previously received, the revised proposed Rules are also modified at 14 VAC 5-45-20, in the definition of "agent".

The Commission is of the opinion that the revised proposed Rules submitted by the Bureau of Insurance should be considered for adoption.

THEREFORE, IT IS ORDERED THAT:

(1) The revised proposed Rules entitled "Rules Governing Suitability in Annuity Transactions," which are recommended to be set out at 14 VAC 5-45-10 through 14 VAC 5-45-50, be attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of the revised proposed Rules shall file such comments or hearing request on or before November 30, 2006, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-2006-00129.

(3) If no request for a hearing on the adoption of the revised proposed Rules is filed on or before November 30, 2006, the Commission, upon consideration of any comments submitted in support of or in opposition to the

revised proposed Rules, may adopt the Rules as proposed by the Bureau of Insurance.

(4) AN ATTESTED COPY hereof, together with a copy of the revised proposed Rules, shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Jacqueline K. Cunningham, who forthwith shall give further notice of the adoption of the revised proposed Rules by mailing a copy of this Order, together with the revised proposed Rules, to all companies licensed by the Commission to sell annuities or variable annuities in Virginia.

(5) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the revised proposed Rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(6) The Commission's Division of Information Resources shall also make available this Order and the attached revised proposed Rules on the Commission's website, <http://www.scc.virginia.gov/caseinfo.htm>.

(7) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

CHAPTER 45.  
RULES GOVERNING SUITABILITY IN ANNUITY  
TRANSACTIONS.

**14 VAC 5-45-10. Purpose and scope.**

The purpose of this chapter is to set forth rules and procedures for recommendations to consumers that result in a transaction involving annuity products so that the insurance needs and financial objectives of consumers at the time of the transaction are appropriately addressed. This chapter shall apply to any recommendation to purchase or exchange an annuity made to a consumer by an agent, or insurer where no agent is involved, that results in the purchase or exchange recommended.

**14 VAC 5-45-20. Definitions.**

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

"Agent" or "insurance agent" means [ ~~a person as defined in § 38.2-1800 of the Code of Virginia~~ an individual or business entity that sells, solicits, or negotiates contracts of insurance or annuity in this Commonwealth ].

"Annuity" means a fixed, variable or modified guaranteed annuity that is individually solicited, whether the product is classified as an individual annuity or group annuity.

"Commission" means the State Corporation Commission.

"Insurer" means an insurance company required to be licensed under the laws of this Commonwealth.

"Recommendation" means advice provided by an agent, or an insurer where no agent is involved, to an individual consumer that results in a purchase or exchange of an annuity in accordance with that advice.

**14 VAC 5-45-30. Exemptions.**

Unless otherwise specifically included, this chapter shall not apply to recommendations involving:

1. Direct response solicitations where there is no recommendation based on information collected from the consumer pursuant to this chapter;
2. Contracts used to fund:
 
  - a. An employee pension or welfare benefit plan that is covered by the Employee Retirement Income Security Act of 1974 (29 USC § 1001 et seq.);
  - b. A plan described by 26 USC §§ 401(a), 401(k), 403(b), 408(k) or 408(p) of the Internal Revenue Code, if established or maintained by an employer;
  - c. A government or church plan defined in 26 USC § 414 of the Internal Revenue Code, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under 26 USC § 457 of the Internal Revenue Code;
  - d. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;
  - e. Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or
  - f. Preneed funeral contracts as defined in § 54.1-2800 of the Code of Virginia.

**14 VAC 5-45-40. Duties of insurers and agents.**

A. In recommending to a consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the agent, or the insurer where no agent is involved, shall have reasonable grounds for believing that the recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer as to his investments and other insurance products and as to his financial situation and needs.

B. Prior to the execution of a purchase or exchange of an annuity resulting from a recommendation, an agent, or insurer where no agent is involved, shall make reasonable efforts to obtain information concerning:

1. The consumer's financial status;
2. The consumer's tax status;

---

# Regulations

---

3. The consumer's investment objectives; and
  4. Other information used or considered to be reasonable by the agent, or the insurer where no agent is involved, in making recommendations to the consumer.
- C. 1. Except as provided in subdivision 2 of this subsection, neither an agent, nor an insurer where no agent is involved, shall have any obligation to a consumer under subsection A of this section related to any recommendation if a consumer:
- a. Refuses to provide relevant information requested by the insurer or agent;
  - b. Decides to enter into an insurance transaction that is not based on a recommendation of the insurer or agent; or
  - c. Fails to provide complete or accurate information.
2. An insurer or agent's recommendation subject to subdivision 1 of this subsection shall be reasonable under all the circumstances actually known to the insurer or agent at the time of the recommendation.
- D. 1. An insurer either shall assure that a system to supervise recommendations that is reasonably designed to achieve compliance with this chapter is established and maintained by complying with subdivisions 3 and 4 of this subsection, or shall establish and maintain such a system, including, but not limited to:
- a. Maintaining written procedures; and
  - b. Conducting periodic reviews of its records that are reasonably designed to assist in detecting and preventing violations of this chapter.
2. An agent and independent agency either shall adopt a system established by an insurer to supervise recommendations of its agents that is reasonably designed to achieve compliance with this chapter, or shall establish and maintain such a system, including, but not limited to:
- a. Maintaining written procedures; and
  - b. Conducting periodic reviews of records that are reasonably designed to assist in detecting and preventing violations of this chapter.
3. An insurer may contract with a third party, including an agent or independent agency, to establish and maintain a system of supervision as required by subdivision 1 of this subsection with respect to agents under contract with or employed by the third party.
4. An insurer shall make reasonable inquiry to assure that the third party contracting under subdivision 3 of this subsection is performing the functions required under subdivision 1 of this subsection and shall take action that is reasonable under the circumstances to enforce the contractual obligation to perform the functions. An insurer

may comply with its obligation to make reasonable inquiry by doing all of the following:

a. The insurer annually obtains a certification from a third party senior manager who has responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent, that the third party is performing the required functions; and

b. The insurer, based on reasonable selection criteria, periodically selects third parties contracting under subdivision 3 of this subsection for a review to determine whether the third parties are performing the required functions. The insurer shall perform those procedures to conduct the review that are reasonable under the circumstances.

5. An insurer that contracts with a third party pursuant to subdivision 3 of this subsection and that complies with the requirements to supervise in subdivision 4 of this subsection shall have fulfilled its responsibilities under subdivision 1 of this subsection.

6. An insurer, agent or independent agency is not required by subdivisions 1 or 2 of this subsection to:

a. Review, or provide for review of, all agent-solicited transactions; or

b. Include in its system of supervision an agent's recommendations to consumers of products other than the annuities offered by the insurer, agent or independent agency.

7. An agent or independent agency contracting with an insurer pursuant to subdivision 3 of this subsection, when requested by the insurer pursuant to subdivision 4 of this subsection, shall promptly give a certification as described in subdivision 4 or give a clear statement that it is unable to meet the certification criteria.

8. No person may provide a certification under subdivision 4 a of this subsection unless:

a. The person is a senior manager with responsibility for the delegated functions; and

b. The person has a reasonable basis for making the certification.

E. Compliance with the National Association of Securities Dealers Conduct Rules ([http://nasd.complinet.com/nasd/display/display.html?rbid=1189&element\\_id=1159000466](http://nasd.complinet.com/nasd/display/display.html?rbid=1189&element_id=1159000466)) pertaining to suitability shall satisfy the requirements under this section for the recommendation of variable annuities. However, nothing in this subsection shall limit the commission's ability to enforce the provisions of this chapter.

**14 VAC-5-45-50. Severability.**

If any provision of this chapter, or its application to any person or circumstance is for any reason held to be invalid by a court, the remainder of this chapter and the application of the provisions to other persons or circumstances shall not be affected.

VA.R. Doc. No. R06-260; Filed October 10, 2006, 4:56 p.m.

**TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

**BOARD FOR BARBERS AND COSMETOLOGY**

**Proposed Regulation**

**Title of Regulation: 18 VAC 41-70. Esthetics Regulations (adding 18 VAC 41-70-10 through 18 VAC 41-70-280).**

**Statutory Authority: § 54.1-201 of the Code of Virginia.**

**Public Hearing Date: December 11, 2006 - 10 a.m.**

Public comments may be submitted until 5 p.m. on December 29, 2006.

(See Calendar of Events section for additional information)

**Agency Contact: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, or email barbercosmo@dpor.virginia.gov.**

**Basis: The regulatory action to promulgate regulations governing the licensure and practice of esthetics under the Board for Barbers and Cosmetology is mandated by Chapter 829 of the 2005 Acts of Assembly.**

Regulations are promulgated under the general authority of Chapter 2 (§ 54.1-200 et seq.) of Title 54.1 of the Code of Virginia. Section 54.1-201 provides the board the authority to promulgate regulations to administer the regulatory system.

**Purpose: The regulatory action is necessary to ensure minimal competence of esthetics practitioners. The regulatory action will establish qualifications for licensure, standards of practice, and requirements for maintaining licensure as a esthetician, master esthetician, school, or esthetic spa in the Commonwealth of Virginia. The regulatory action will also establish fees necessary to administer the licensure program in accordance with § 54.1-113 of the Code of Virginia.**

As directed by the 2005 General Assembly, the regulatory action is required to protect the health, safety and welfare of citizens of the Commonwealth. The regulations ensure that licensees have met qualifications that demonstrate minimum competency to protect the health, safety and welfare of

citizens of the Commonwealth and ensure that health, sanitary and safety standards are adequate in schools and spas where esthetic services are being provided.

**Substance: The board will develop regulations to implement a regulatory program for esthetics, consisting of licensing requirements and standards for estheticians and master estheticians as mandated by Chapter 829 of the 2005 Acts of Assembly in accordance with the provisions of § 54.1-201 of the Code of Virginia. In addition to establishing the requirements for licensure, these regulations will ensure minimum competency and integrity of all licensees, and ensure that health, sanitation and safety standards are adequate in facilities where esthetic services are provided or taught.**

These regulatory requirements include (i) definitions of words and terms relative to the practice of providing esthetics services that will ensure that licensees understand the scope and limitations of their profession; (ii) general requirements for obtaining a license to provide services as an esthetician or master esthetician or a certification to be an esthetics instructor or master esthetics instructor; (iii) general requirements for obtaining a license to operate an esthetics spa; (iv) general requirements for obtaining a license to operate a school of esthetics; (v) detailed curriculum and performance requirements to include minimum clock or credit hours acceptable to sit for the board-approved examination; (vi) fees for initial, renewal, and reinstatement applications for estheticians, instructors, esthetics spas, and schools of esthetics; and (vii) sanitation and safety standards for esthetics spas and schools of esthetics that address disinfection and storage of implements, sanitation of equipment, and safety standards pertaining to the use of chemical products, the proper handling of blood spills, and client health guidelines.

**Issues: The primary advantage of the proposed regulatory action is that it will establish the licensing requirements for the specialized practice of esthetics. The proposed regulatory action will be an advantage to the public in that it will provide clear and effective regulations to ensure competency and integrity and prevent deceptive or misleading practices by individuals providing esthetician and master esthetician services.**

There are no disadvantages to the public or the Commonwealth with regards to regulations governing the licensure and practice of estheticians and master estheticians.

**Department of Planning and Budget's Economic Impact Analysis:**

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 829 of the 2005 Acts of the General Assembly, the Board for Barbers and Cosmetology (board) proposes to establish licensure regulations for esthetics

---

# Regulations

---

practitioners, schools, and spas where esthetic services are provided.

**Result of Analysis.** There is insufficient data to accurately compare the magnitude of the benefits versus the costs. Detailed analysis of the benefits and costs can be found in the next section.

**Estimated Economic Impact.** Chapter 829 of the 2005 Acts of the General Assembly amends the Code of Virginia so that esthetics is added to the list of professions for which "No person shall offer to engage in or engage in ... without a valid license"<sup>1</sup> issued by the board. The Code exempts "Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up."<sup>2</sup>

Code Section § 54.1-700 defines "esthetician" as a person who for compensation engages in practices including, but not limited to administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, any non-laser device, electrical, mechanical, or manual, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of tweezing, chemical, or mechanical means.

Code Section § 54.1-700 also defines "master esthetician" as a licensed esthetician who, in addition to the practice of esthetics, offers for sale to the public lymphatic drainage, chemical exfoliation, and microdermabrasion and who has met such additional requirements as determined by the board to practice lymphatic drainage and chemical exfoliation with products other than schedules II through VI controlled substances and microdermabrasion.

According to the board, Virginia is the 49th state to require licensure for the practice of esthetics; and 42 states require at least 600 hours of esthetics training for licensure. The board proposes to require 600 hours of training for basic esthetics licensure. Full-time students typically complete 600 esthetics training courses in 16 weeks in existing Virginia esthetics academies.<sup>3</sup> A 600-hour course in esthetics costs approximately \$6,600.<sup>4</sup>

Under the proposed regulations applicants for esthetician licensure must also pass both a practical examination and a board-approved written examination, and pay a \$55 application fee. The practical exam would be offered two or

three times a month throughout the state, and the written exam would be available daily via computer.<sup>5</sup> The proposed regulations specify that "The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. ... The fee shall not exceed \$225.00 per candidate." In order to obtain master esthetician licensure, the board proposes to require an additional 600 hours of training. Current experienced estheticians are exempted from the proposed training and examination requirements if they meet specific conditions.<sup>6</sup> The esthetician and master esthetician licenses must be renewed every two years. The renewal fee is \$55.

The proposed requirements for licensure introduce costs including those discussed above; but required licensure for estheticians produces benefits for the public as well. In addition to teaching proper technique for enhancing quality of appearance, training on proper techniques and how to recognize conditions that preclude the safe administration of specific treatments reduce the risk of adverse health outcomes. For examples, hepatitis can be transmitted without proper procedures; improper chemical exfoliation can cause glycolic rash or permanent scarring; and certain procedures are unsafe for clients with compromised immune systems.

The training for both the esthetician and master esthetician licenses must be obtained from a licensed esthetics school or a public school's esthetics program approved by the Department of Education. For school licensure, the proposed regulations specify required topics with minimum hours of instruction and minimum practical performances for the esthetician and master esthetician programs. The two-year school licensure fee is \$120. Schools must employ certified esthetics instructors for their esthetician program and certified master esthetics instructors for their master esthetician program.

Under the proposed regulations esthetics instructor certificate requirements include: 1) maintaining a Virginia esthetician license, 2) passing a course on teaching techniques at the post-secondary level, 3) completing an instructor training course approved by the board, 4) and passing an exam on esthetics instruction. The master esthetics instructor certificate requirements are analogous. The two-year instructor certificate fee is \$60.

---

<sup>5</sup> Source: Department of Professional and Occupational Regulation

<sup>6</sup> Code Section § 54.1-703.3. exempts current estheticians from the proposed training and examination requirements if they meet the following: (i) makes application for licensure between July 1, 2007, and July 1, 2008; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician that is deemed satisfactory by the Board;
2. Has completed a training program that is deemed satisfactory by the Board; or
3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

---

<sup>1</sup> Code of Virginia Section § 54.1-703.

<sup>2</sup> Code of Virginia Section § 54.1-701.

<sup>3</sup> Source: Board for Barbers and Cosmetology

<sup>4</sup> Ibid.

The board proposes specific equipment, sanitation and safety requirements for schools and spas that offer esthetics services. The two-year spa licensure fee is \$90.

According to the board, the demand for esthetician services currently far exceeds the supply; and the lack of Virginia licensure of estheticians has effectively limited the supply of those services. Board members state that spas cannot get insurance to sell esthetic services unless the estheticians are licensed. Thus, currently estheticians must largely obtain out-of-state licensure in order to become employable as estheticians in Virginia.<sup>7</sup> Since obtaining out-of-state licensure is inconvenient, enabling in-state licensure can potentially increase the supply of estheticians, despite the costs associated with licensure described in this report. Whether this actually occurs remains to be seen.

**Businesses and Entities Affected.** There are approximately 2,000 estheticians, 2,000 salons and spas that may employ estheticians, and 6 esthetics schools in Virginia. All these entities, as well as their clients, are potentially affected by these proposed regulations.

**Localities Particularly Affected.** The proposed regulations do not disproportionately affect specific localities.

**Projected Impact on Employment.** According to the board, the demand for estheticians currently exceeds the supply. Board members state that spas cannot get insurance to sell esthetic services unless the estheticians are licensed. Thus, creating Virginia licensure may increase the supply of employable estheticians. On the other hand, the proposed requirements do increase costs for estheticians and their employers. It is not clear whether the overall impact will be an increase or decrease in employment.

**Effects on the Use and Value of Private Property.** The proposed fees and other requirements will increase costs for estheticians and businesses that employ them. On the other hand introducing licensure in Virginia will likely lower insurance costs for spas.

**Small Businesses: Costs and Other Effects.** Licensure fees will increase costs for spas and esthetics schools, all of which are likely small businesses.

**Small Businesses: Alternative Method that Minimizes Adverse Impact.** Pursuant to the Code, licensure is not optional. The board could require fewer hours of training.

**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 Board for Barbers and Cosmetology concurs with the Department of Planning and Budget's economic impact analysis.

## Summary:

*Chapter 829 of the 2005 Acts of Assembly mandated separate licensing categories under the Board for Barbers and Cosmetology for esthetics practitioners, schools, and spas where esthetic services are provided. The regulations contain the requirements for obtaining a license, renewal and reinstatement, fees, safety and sanitation procedures, and standards of professional conduct.*

## CHAPTER 70. ESTHETICS REGULATIONS.

### PART I. GENERAL.

#### **18 VAC 41-70-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency or fulfillment of

---

<sup>7</sup> Source: Board for Barbers and Cosmetology

---

# Regulations

---

learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Direct supervision" means that a Virginia licensed esthetician or master esthetician shall be present in the esthetics spa or esthetics school at all times when services are being performed by a temporary license holder or student.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction.

"Licensee" means any individual, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology as defined in § 54.1-700 of the Code of Virginia.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education.

## PART II. ENTRY.

### **18 VAC 41-70-20. General requirements for an esthetician license or master esthetician license.**

A. In order to receive a license as an esthetician or master esthetician, an applicant must meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician in every jurisdiction where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as an esthetician. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and the board's esthetics regulations.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted

shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination administered either by the board or by independent examiners.

### **B. Eligibility to sit for board-approved examination.**

1. Training in the Commonwealth of Virginia. Any person completing an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school, or a Virginia public school's esthetics program approved by the state Department of Education shall be eligible for the applicable examination.

2. Training outside of the Commonwealth of Virginia. Any person completing esthetics training that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training to be eligible for examination. If less than the required hours of esthetics training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent esthetics course and documentation of six months of work experience as an esthetician in order to be eligible for the esthetician examination.

### **18 VAC 41-70-30. License by endorsement.**

Upon proper application to the board, any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter may be issued an esthetician license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-70-20 A.

### **18 VAC 41-70-40. Examination requirements and fees.**

A. Applicants for initial licensure shall pass both a practical examination and a written examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

## **18 VAC 41-70-50. Reexamination requirements.**

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

## **18 VAC 41-70-60. Examination administration.**

A. The examination shall be administered by the board or the designated testing service.

B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

## **18 VAC 41-70-70. Esthetician temporary license.**

A. A temporary license to work under the direct supervision of a currently licensed esthetician or master esthetician may be issued only to applicants for initial licensure that the board finds eligible for the applicable examination.

B. The temporary license shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board.

C. Any person continuing to practice esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under § 54.1-111 A 1 of the Code of Virginia.

D. No applicant for examination shall be issued more than one temporary license.

## **18 VAC 41-70-80. Spa license.**

A. Any individual wishing to operate an esthetics spa shall obtain a spa license in compliance with § 54.1-704.1 of the Code of Virginia.

B. An esthetics spa license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the spa shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

C. In the event of a closing of an esthetics spa, the owner must notify the board in writing within 30 days of the closing, and return the license to the board.

## **18 VAC 41-70-90. School license.**

A. Any individual wishing to operate an esthetics school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia. All instruction and training of estheticians

shall be conducted under the direct supervision of a certified esthetics instructor. All instruction and training of master estheticians shall be conducted under the direct supervision of a certified master esthetics instructor.

B. An esthetics school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes and obtain a new license.

D. In the event of a school closing, the owner must notify the board in writing within 30 days of the closing, and return the license to the board.

## **18 VAC 41-70-100. General requirements for an esthetics instructor certificate.**

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for an esthetics instructor certificate if the person:

1. Holds a current Virginian esthetician license; and

2. Completes one of the following qualifications:

a. Passes a course in teaching techniques at the postsecondary educational level; or

b. Completes an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and passes an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board.

3. Persons who (i) make application [within one year after the effective date of this chapter] and (ii) have completed one year of documented work experience as an esthetics instructor are not required to complete subdivision 2 of this subsection.

B. Esthetics instructors shall be required to maintain a Virginia esthetician license.

## **18 VAC 41-70-110. General requirements for a master esthetics instructor certificate.**

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a master esthetics instructor certificate if the person:

# Regulations

1. Holds a current Virginia master esthetician license; and
2. Completes one of the following qualifications:
  - a. Passes a course in teaching techniques at the postsecondary educational level; or
  - b. Completes an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and passes an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board.
3. Persons who (i) make application [ within one year after the effective date of this chapter ] and (ii) have completed one year of documented work experience as a master esthetics instructor are not required to complete subdivision 2 of this subsection.

B. Master esthetics instructors shall be required to maintain a Virginia master esthetician license.

## PART III. FEES.

### **18 VAC 41-70-120. Fees.**

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$110*</u> <u>*includes \$55 renewal fee and \$55 reinstatement fee</u>	<u>With reinstatement application</u>
<u>Instructors:</u>		
<u>Application</u>	<u>\$60</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$60</u>	<u>With application</u>
<u>Renewal</u>	<u>\$60</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$120*</u> <u>*includes \$60 renewal fee and \$60</u>	<u>With reinstatement application</u>

	<u>reinstatement fee</u>	
<u>Spas:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>
<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$180*</u> <u>*includes \$90 renewal fee and \$90 reinstatement fee</u>	<u>With reinstatement application</u>
<u>Schools:</u>		
<u>Application</u>	<u>\$120</u>	<u>With application</u>
<u>Renewal</u>	<u>\$120</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$240*</u> <u>*includes \$120 renewal fee and \$120 reinstatement fee</u>	<u>With reinstatement application</u>

### **18 VAC 41-70-130. Refunds.**

All fees are nonrefundable and shall not be prorated.

## PART IV. RENEWAL/REINSTATEMENT.

### **18 VAC 41-70-140. License renewal required.**

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

### **18 VAC 41-70-150. Notice of renewal.**

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

### **18 VAC 41-70-160. Failure to renew.**

A. When a licensed individual or entity fails to renew its license within 30 days following its expiration date, the licensee shall apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.

B. When an esthetician or master esthetician fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall pass the board's current examination. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18 VAC 41-70-70.

C. When an esthetics spa fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

D. The application for reinstatement for an esthetics school shall provide the reasons for failing to renew prior to the expiration date, and a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school by the Department of Professional and Occupational Regulation and if the school's records are maintained in accordance with 18 VAC 41-70-230 and 18 VAC 41-70-240. Upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

When an esthetics school fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation or its agent will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption.

Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

## PART V. ESTHETICS SCHOOLS.

### 18 VAC 41-70-170. Applicants for school license.

Any person, firm, or corporation desiring to operate an esthetics school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

### 18 VAC 41-70-180. General requirements.

An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.
4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.
5. Develop individuals for entry-level competency in esthetics.
6. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18 VAC 41-70-190. Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18 VAC 41-70-190 C.
7. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.
8. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
9. Complete practical instruction in the school's clinic area.

### 18 VAC 41-70-190. Curriculum and hours of instruction requirements.

A. Each esthetics school shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, and a breakdown

---

# Regulations

---

of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification.

B. The esthetics curriculum and hours of instruction shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation and business topics - minimum of 25 hours of instruction.

- a. School policies;
- b. Management;
- c. Sales, inventory and retailing;
- d. Taxes and payroll;
- e. Insurance;
- f. Client records and confidentiality; and
- g. Professional ethics and practices.

2. Laws and regulations - minimum of 10 hours of instruction.

3. General sciences - minimum of 80 hours of instruction.

- a. Bacteriology;
- b. Microorganisms;
- c. Infection control, disinfection, sterilization;
- d. Occupational Safety and Health Administration (OSHA) requirements;
- e. Material Safety Data Sheet (MSDS);
- f. General procedures and safety measures;
- g. Cosmetic chemistry;
- h. Products and ingredients; and
- i. Nutrition.

4. Applied sciences - minimum of 95 hours of instruction.

- a. Anatomy and physiology;
- b. Skin structure and function;
- c. Skin types;
- d. Skin conditions; and
- e. Diseases and disorders of the skin.

5. Skin care - minimum of 255 hours of instruction.

- a. Health screening;
- b. Skin analysis and consultation;
- c. Facial effleurage movements and manipulations;
- d. Cleansings procedures;
- e. Masks;

f. Extraction techniques;

g. Machines, equipment and electricity;

h. Manual facials and treatments;

i. Machine, electrical facials and treatments; and

j. General procedures and safety measures.

6. Makeup - minimum of 65 hours of instruction.

a. Setup, supplies and implements;

b. Color theory;

c. Consultation;

d. General and special occasion application;

e. Camouflage;

f. Application of false lashes and lash extensions;

g. Lash and tinting;

h. Lash perming;

i. Lightning of the hair on body except scalp; and

j. General procedures and safety measures.

7. Body and other treatments - minimum of 20 hours of instruction.

a. Body treatments;

b. Body wraps;

c. Body masks;

d. Body scrubs;

e. Aromatherapy; and

f. General procedures and safety measures.

8. Hair removal - minimum of 50 hours of instruction.

a. Types of hair removal;

b. Wax types;

c. Tweezing;

d. Chemical hair removal;

e. Mechanical hair removal; and

f. General procedures and safety measures.

C. The master esthetics curriculum and hours of instruction shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation, advanced business subjects, and infection control - minimum of 45 hours of instruction.

a. School policies and procedures;

b. Professional ethics and practices;

- c. Ethics and professional conduct;
  - d. Insurance and liability issues;
  - e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
  - f. Client records and documentation;
  - g. Microbiology and bacteriology;
  - h. Infection control, disinfection, and sterilization;
  - i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and Material Safety Data Sheet (MSDS); and
  - j. Personal protective equipment.
2. State laws, rules and regulations - minimum of 10 hours of instruction.
3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
- a. Advanced anatomy and physiology;
  - b. Advanced skin structure and functions;
  - c. Advanced skin typing, and conditions;
  - d. Advanced disease and disorders;
  - e. Advanced cosmetic ingredients;
  - f. Pharmacology; and
  - g. Advanced homecare.
4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
- a. Introduction to microdermabrasion and dermaplaning;
  - b. Indications and contraindications for crystal microdermabrasion;
  - c. General procedures and safety measures for crystal microdermabrasion;
  - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
  - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
  - f. Equipment safety: crystal and crystal-free microdermabrasion and dermaplaning;
  - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
  - h. Introduction to microdermabrasion techniques and proper protocols;
  - i. Machine parts, operation, protocols, care, waste disposal and safety;
  - j. Practical application and consultation for crystal microdermabrasion;
  - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
  - l. Pretreatment and posttreatment for microdermabrasion.
5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
  - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
  - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
  - d. Introduction to chemical exfoliation and peels of the epidermis;
  - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
  - f. Pretreatment and posttreatment for chemical exfoliation and peels;
  - g. Assessing suitability and predicting chemical exfoliation efficacy;
  - h. General practical application and consultation protocols;
  - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
  - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
  - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
  - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
  - m. Practical application and consultation for alpha hydroxy peels;
  - n. Indications and contraindications for alpha hydroxy peels;
  - o. General procedures and safety measures for alpha hydroxy peels;
  - p. Pretreatment and posttreatment for alpha hydroxy peels;
  - q. Practical application and consultation for beta hydroxy peels;
  - r. Indications and contraindications for beta hydroxy peels;

---

# Regulations

---

s. General procedures and safety measures for beta hydroxy peels;

t. Pretreatment and posttreatment for beta hydroxy peels;

u. Practical application and consultation for Jessner and Modified Jessner peels;

v. Indications and contraindications for Jessner and Modified Jessner peels;

w. General procedures and safety measures for Jessner and Modified Jessner peels;

x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;

y. Practical application and consultation for trichloroacetic acid peels;

z. Indications and contraindications for trichloroacetic acid peels;

aa. General procedures and safety measures for trichloroacetic acid peels; and

bb. Pretreatment and posttreatment for trichloroacetic acid peels.

6. Lymphatic drainage - minimum of 120 hours of instruction.

a. Introduction to lymphatic drainage;

b. Tissues and organs of the lymphatic system;

c. Functions of the lymphatic system;

d. Immunity;

e. Etiology of edema;

f. Indications and contraindications for lymphatic drainage;

g. Lymphatic drainage manipulations and movements;

h. Face and neck treatment sequence;

i. Lymphatic drainage on the trunk and upper extremities;

j. Lymphatic drainage on the trunk and lower extremities;

k. Cellulite;

l. Using lymphatic drainage effleurage with other treatments; and

m. Machine-aided lymphatic drainage.

D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection B of this section and 18 VAC 41-70-200 A. A licensed esthetics school with an approved master esthetics program may conduct an assessment of a student's

competence in master esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection C of this section and 18 VAC 41-70-200 B.

E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation;

2. Curriculum;

3. Course outline and development;

4. Lesson planning;

5. Classroom management;

6. Teaching techniques;

7. Methods of instruction;

8. Learning styles;

9. Learning disabilities;

10. Teaching aids;

11. Developing, administering and grading examinations;

12. School administration;

13. Recordkeeping;

14. Laws and regulations;

15. Presentation of theoretical subjects;

16. Presentation of practical subjects;

17. Supervision of clinic floor; and

18. Practicum teaching.

## **18 VAC 41-70-200. Practical performance requirements.**

A. The curriculum for estheticians shall include the following minimum practical performances:

<u>Consultations, cleansings and analysis of face and body</u>	<u>35</u>
<u>Manual facials and treatments</u>	<u>65</u>
<u>Machine or electrical facials and treatments</u>	<u>50</u>
<u>Body treatments and back treatments</u>	<u>20</u>
<u>Makeup</u>	<u>25</u>
<u>Hair Removal</u>	<u>25</u>
<u>TOTAL</u>	<u>220</u>

B. The curriculum for master estheticians shall include the following minimum performances:

<u>Advanced treatments</u>	<u>40</u>
<u>Microdermabrasion</u>	<u>50</u>
<u>Chemical exfoliation</u>	<u>75</u>
<u>Lymphatic drainage treatments</u>	<u>50</u>

TOTAL

215

PART VI.  
STANDARDS OF PRACTICE.**18 VAC 41-70-210. School equipment.**

A. For an esthetics course, an esthetics school must have at least one treatment table, one magnifier lamp, one steamer, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

B. For each procedure taught in the esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each three students enrolled in the class.

C. For a master esthetics course, an esthetics school must have at least one treatment table, one woods lamp, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

D. For each procedure taught in the master esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each six students enrolled in the class.

**18 VAC 41-70-220. School identification.**

Each esthetics school approved by the board shall identify itself to the public as a teaching institution.

**18 VAC 41-70-230. Records.**

A. Schools are required to keep upon graduation, termination or withdrawal written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

**18 VAC 41-70-240. Hours reported.**

Within 30 days of the closing of a licensed esthetics school for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

**18 VAC 41-70-250. Scope of practice.**

A. Each licensed spa or school shall ensure that no licensee or student performs any service beyond the scope of practice for the esthetician or master esthetician license.

B. For chemical exfoliation of the epidermis by a licensed master esthetician, the standards for use of an exfoliator or concentration of acids shall be:

1. Jessner and Modified Jessner solution;
2. Trichloroacetic acid less than 20%;
3. Nonprescriptive alpha hydroxyl acids;
4. Nonprescriptive beta hydroxyl acids;
5. Nonprescriptive, commercially available products used in accordance with manufacturer's written instructions;
6. Vitamin-based acids;
7. Enzymes; or
8. Herbal exfoliators.

**18 VAC 41-70-260. Display of license.**

A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in the reception area of the spa or school in plain view of the public. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the regulant provides services.

B. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.

**18 VAC 41-70-270. Sanitation and safety standards for spas and schools.****A. Sanitation and safety standards.**

1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.
2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.
3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

B. General sanitation and safety requirements.

---

# Regulations

---

1. All furniture, walls, floors, and windows shall be clean and in good repair;

2. The floor surface in the immediate work area must be of a washable surface other than carpet. The floor must be kept clean, free of hair, dropped articles, spills and electrical cords;

3. Walls and ceilings in the immediate work area must be in good repair, free of water seepage and dirt;

4. A fully functional bathroom with a working toilet and sink must be available for clients. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. There must be antibacterial soap and clean individual towels for the client's use;

5. General areas for client use must be neat and clean;

6. Electrical cords shall be placed to prevent entanglement by the client or licensee;

7. Electrical outlets shall be covered by plates;

8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and

9. Adequate lighting shall be provided.

## C. Equipment sanitation.

1. Service chairs, wash basins, sinks, showers, tubs, tables, and workstations shall be clean. Floors shall be kept free of waste materials. Instruments shall be cleaned and disinfected after every use and stored free from contamination;

2. The top of workstands shall be kept clean;

3. The work area shall be free of clutter, trash, and any other items that may cause a hazard;

4. Equipment shall be placed so as to prevent any accidental injury to the client or licensee; and

5. Electrical appliances and equipment shall be in safe working order at all times.

## D. Articles, tools and products.

1. Any multiuse article, tool or product that cannot be cleansed or disinfected is prohibited from use;

2. Soiled implements must be removed from the tops of work stations immediately after use;

3. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;

4. A clean spatula shall be used to remove creams or other products from jars. Cosmetic containers shall be recovered after each use;

5. All appliances shall be safely stored;

6. Presanitized tools and implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;

7. Soiled towels, linens and implements shall be deposited in a container made of cleanable materials and separate from those that are clean;

8. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and

9. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the spa or school in accordance with the guidelines of the Virginia Department of Health and OSHA (Occupational Safety and Health Administration).

## E. Chemical storage and emergency information.

1. Spas and schools shall have in the immediate working area a binder with all Material Safety Data Sheets (MSDS) provided by manufacturers for any chemical products used;

2. Spas and schools shall have a blood spill clean-up kit in the work area;

3. Flammable chemicals shall be stored in a nonflammable storage cabinet or a properly ventilated room; and

4. Chemicals that could interact in a hazardous manner (oxidizers, catalysts and solvents) shall be separated in storage.

## F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with an antibacterial product prior to providing services to each client;

2. All employees providing client services shall wear gloves while providing services when exposure to bloodborne pathogens is possible;

3. No spa or school providing esthetics services shall have on the premises esthetics products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in esthetics products;

4. No product shall be used in a manner that is disapproved by the U.S. Food and Drug Administration (FDA); and

5. Esthetics spas must be in compliance with current building and zoning codes.

G. In addition to any requirements set forth in this section, all licensees and temporary license holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

H. All spas and schools shall immediately report the results of any inspection of the spa or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

I. All spas and schools shall conduct a self-inspection on an annual basis and maintain a self-inspection form on file for five years so that it may be requested and reviewed by the board at its discretion.

**18 VAC 41-70-280. Grounds for license revocation, probation, or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.**

A. The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or temporary license holder, and suspend, place on probation, or revoke or refuse to renew or reinstate any license, certificate, or temporary license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

1. The licensee, certificate holder, temporary license holder, or applicant is incompetent or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as an esthetician;

2. The licensee, certificate holder, temporary license holder, or applicant is convicted of fraud or deceit in the practice or teaching of esthetics;

3. The licensee, certificate holder, temporary license holder, or applicant attempted to obtain, obtained, renewed or reinstated a license certificate or temporary license by false or fraudulent representation;

4. The licensee, certificate holder, temporary license holder, or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any esthetician may practice or offer to practice;

5. The licensee, certificate holder, temporary license holder, or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's possession or maintained in accordance with this chapter;

6. A licensee, certificate holder, or temporary license holder fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or temporary license. The board shall not be responsible for the licensee's, certificate

holder's, or temporary license holder's failure to receive notices, communications and correspondence caused by the licensee's, certificate holder's, or temporary license holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;

7. The licensee, certificate holder, temporary license holder, or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;

8. The licensee, certificate holder, temporary license holder, or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any other jurisdiction or of any license or temporary license that has been the subject of disciplinary action in any other jurisdiction; or

9. The licensee, certificate holder, temporary license holder, or applicant has been convicted or found guilty in any jurisdiction of any misdemeanor or felony. Any plea or nolo contendere shall be considered a conviction for the purpose of this section. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

10. The licensee, certificate holder, temporary license holder, or applicant fails to notify the board in writing within 30 days that the licensee, certificate holder, temporary license holder, or applicant has pleaded guilty or nolo contendere or was convicted and found guilty of any misdemeanor or felony.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:

1. An instructor of the approved school fails to teach the curriculum as provided for in this chapter;

2. The owner or director of the approved school permits or allows a person to teach in the school without an applicable current esthetics instructor certificate or master esthetics instructor certificate; or

3. The instructor, owner or director is guilty of fraud or deceit in the teaching of esthetics.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any esthetics spa or impose a fine as permitted by law, or both, if the board finds that:

---

# Regulations

---

1. The owner or operator of the spa fails to comply with the sanitary requirements of an esthetics spa provided for in this chapter or in any local ordinances; or

2. The owner or operator allows a person who has not obtained a license or a temporary license to practice as an esthetician or master esthetician.

D. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of esthetics.

**NOTICE:** The forms used in administering 18 VAC 41-70, Esthetics Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

Salon, Shop, Spa, and Parlor License Application, 12SSSP (eff. 7/07).

School License Application, 12SCHL (eff. 7/07).

Instructor License Application, 1213INST (eff. 7/07).

Esthetician License Application, 12 LIC (eff. 7/07).

Esthetician/Esthetics Instructor Examination and License Application, 12 EX (eff. 7/07).

Master Esthetician/Master Esthetics Instructor Examination and License Application, 12 EX (eff. 7/07).

VA.R. Doc. No. R06-83; Filed October 11, 2006, 11:07 a.m.

## BOARD OF PHARMACY

### Final Regulation

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The 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 110-20-720).**

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

**Effective Date:** November 29, 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 scotti.russell@dhp.virginia.gov.

### Summary:

*The amendment changes the reference from Division of Forensic Science to the Department of Forensic Science to be consistent with § 9.1-1100 of the Code of Virginia.*

### 18 VAC 110-20-720. Requirements for recordkeeping.

The person named as the responsible party on the controlled substances registration shall be responsible for recordkeeping for Schedule II through VI drugs in accordance with provisions of § 54.1-3404 of the Code of Virginia and the following:

1. Inventories and administration records of Schedule II drugs shall be maintained separately from all other records and shall be kept in chronological order by date of administration.

2. All records shall be maintained at the same location as listed on the controlled substances registration or, if maintained in an off-site database, retrieved and made available for inspection or audit within 48 hours of a request by the board or an authorized agent.

3. In the event that an inventory is taken as the result of a theft of drugs, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date. All inventories required by § 54.1-3404 of the Code of Virginia shall be signed and dated by the person taking the inventory and shall indicate whether the inventory was taken prior to the opening or after the close of business on that date. An entity which is open 24 hours a day shall clearly document whether the receipt or distribution of drugs on the inventory date occurred before or after the inventory was taken.

4. Any computerized system used to maintain records shall also provide retrieval via computer monitor display or printout of the history for drugs administered during the past two years. It shall also have the capacity of producing a printout of any data which the registrant is responsible for maintaining under the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

5. The ~~Division~~ Department of Forensic Science ~~within the Department of Criminal Justice Services~~ may exclude from any inventory quantities of controlled substances used to conduct chemical analyses and controlled substances received for analyses as evidentiary material as provided in § 54.1-3404 G of the Code of Virginia.

VA.R. Doc. No. R07-14; Filed October 11, 2006, 1:44 p.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 7 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants. The Board of Pharmacy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-20).**

**18 VAC 110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (amending 18 VAC 110-30-15).**

**18 VAC 110-50. Regulation Governing Wholesale Distributors, Manufacturers, and Warehousemen (amending 18 VAC 110-50-20).**

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

Effective Date: November 29, 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 scotti.russell@dhp.virginia.gov.

Summary:

*In order to reduce an accumulated surplus in the budget of the Board of Pharmacy, a one-time reduction in renewal fees has been adopted. The renewal fee for pharmacists and physicians selling controlled substances is reduced for the annual renewal from \$90 to \$50, and for pharmacy technicians, the renewal fee is reduced from \$25 to \$15. Fees for inactive licensure, which are approximately one-half the active renewal fee, are reduced correspondingly.*

*Renewal fees for facilities are also reduced from \$270 to \$210 (pharmacies, physician permit, nonrestricted manufacturers, wholesale distributors, warehousemen) and for restricted manufacturers or medical equipment suppliers from \$180 to \$140. The percentage of reduction is less for facilities because the board must continue to*

*conduct routine inspections every two years at a cost of approximately \$350 to \$400 per inspection. The facility renewal fees must offset those costs, as well of expenditures related to the licensing and discipline work of the board and the department.*

**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. Medical equipment supplier permit   | \$180 |
| 7. Humane society permit   | \$20  |
| 8. Nonresident pharmacy  | \$270 |
| 9. Controlled substances registrations (Between November 2, 2005, and December 31, 2006, the application fee for a controlled substance registration shall be \$50)  | \$90  |
| 10. Robotic pharmacy system approval   | \$150 |
| 11. 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 |
| 12. Approval of a pharmacy technician training program   | \$150 |
| 13. 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 |

# Regulations

6. Medical equipment supplier permit	\$180	b. Physician permit to practice pharmacy	\$240
7. Humane society permit	\$20	c. Medical equipment supplier permit	\$210
8. Nonresident pharmacy	\$270	d. Humane society permit	\$30
9. Controlled substances registrations	\$90	e. Nonresident pharmacy	\$115
10. Innovative program continued approval based on board order not to exceed \$200 per approval period.		f. Controlled substances registration	\$180
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.		G. Application for change or inspection fees for facilities or other entities.	
1. Pharmacist license	\$30	1. Change of pharmacist-in-charge	\$50
2. Pharmacist inactive license	\$15	2. Change of ownership for any facility	\$50
3. Pharmacy technician registration	\$10	3. Inspection for remodeling or change of location for any facility	150
4. Pharmacy permit	\$90	4. Reinspection of any facility	\$150
5. Physician permit to practice pharmacy	\$90	5. Board-required inspection for a robotic pharmacy system	\$150
6. Medical equipment supplier permit	\$60	6. Board-required inspection of an innovative program location	\$150
7. Humane society permit	\$5	7. Change of pharmacist responsible for an approved innovative program	\$25
8. Nonresident pharmacy	\$90	H. Miscellaneous fees.	
9. Controlled substances registrations	\$30	1. Duplicate wall certificate	\$25
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.		2. Returned check	\$35
1. Pharmacist license	\$210	I. For the annual renewal due on or before December 31, <del>2005</del> 2006, 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
		<del>6. Nonrestricted manufacturer permit</del>	<del>\$210</del>
		<del>7. Restricted manufacturer permit</del>	<del>\$140</del>
		<del>8. Wholesale distributor license</del>	<del>\$210</del>
		<del>9. Warehouser permit</del>	<del>\$210</del>
		<del>10. 6. Medical equipment supplier permit</del>	<del>\$140</del>
		<del>11. 7. Humane society permit</del>	<del>\$20</del>
		<del>12. 8. Nonresident pharmacy</del>	<del>\$210</del>
		<del>13. Nonresident wholesale distributor</del>	<del>\$210</del>
		<del>14. 9. Controlled substances registrations</del>	<del>\$50</del>

**18 VAC 110-30-15. Fees.**

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Fee for initial license for a practitioner of the healing arts to sell controlled substances.

1. The application fee for initial licensure shall be \$240.
2. The application fee for reinstatement of a license that has been revoked or suspended indefinitely shall be \$500.

C. Renewal of license for a practitioner of the healing arts to sell controlled substances.

1. The annual fee for renewal of an active license shall be \$90. For the annual renewal due on before December 31, 2006, the fee shall be \$50.
2. The annual fee for renewal of an inactive license shall be \$45.
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.
4. The fee for reinstatement of a license expired for more than one year shall be \$210.

D. The fee for reinspection of any facility shall be \$150.

E. The fee for a returned check shall be \$35.

**18 VAC 110-50-20. Fees.**

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Initial application fees.

- |                                       |       |
|---------------------------------------|-------|
| 1. Nonrestricted manufacturer permit  | \$270 |
| 2. Restricted manufacturer permit     | \$180 |
| 3. Wholesale distributor license      | \$270 |
| 4. Warehouser permit                  | \$270 |
| 5. Nonresident wholesale distributor  | \$270 |
| 6. Controlled substances registration | \$90  |

C. Annual renewal fees.

- |                                       |       |
|---------------------------------------|-------|
| 1. Nonrestricted manufacturer permit  | \$270 |
| 2. Restricted manufacturer permit     | \$180 |
| 3. Wholesale distributor license      | \$270 |
| 4. Warehouser permit                  | \$270 |
| 5. Nonresident wholesale distributor  | \$270 |
| 6. Controlled substances registration | \$90  |

D. 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. Nonrestricted manufacturer permit  | \$90 |
| 2. Restricted manufacturer permit     | \$60 |
| 3. Wholesale distributor license      | \$90 |
| 4. Warehouser permit                  | \$90 |
| 5. Nonresident wholesale distributor  | \$90 |
| 6. Controlled substances registration | \$30 |

E. Reinstatement fees.

1. Any 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.

2. 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. 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.

3. 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:

- |                                       |       |
|---------------------------------------|-------|
| a. Nonrestricted manufacturer permit  | \$240 |
| b. Restricted manufacturer permit     | \$210 |
| c. Wholesale distributor license      | \$240 |
| d. Warehouser permit                  | \$240 |
| e. Nonresident wholesale distributor  | \$240 |
| f. Controlled substances registration | \$180 |

F. Application for change or inspection fees.

- |  |       |
|--|-------|
| 1. Reinspection fee  | \$150 |
| 2. Inspection fee for change of location, structural changes, or security system changes | \$150 |
| 3. Change of ownership fee   | \$50  |
| 4. Change of responsible party   | \$50  |

G. The fee for a returned check shall be \$35.

---

# Regulations

---

H. For the annual renewal due on or before December 31, 2006, the following fees shall be imposed for a license or permit:

<u>1. Nonrestricted manufacturer permit</u>	<u>\$210</u>
<u>2. Restricted manufacturer permit</u>	<u>\$140</u>
<u>3. Wholesale distributor license</u>	<u>\$210</u>
<u>4. Warehouser permit</u>	<u>\$210</u>
<u>5. Nonresident wholesale distributor</u>	<u>\$210</u>

VA.R. Doc. No. R07-15; Filed October 11, 2006, 1:44 p.m.

---

## FORMS

---

### TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

#### STATE CORPORATION COMMISSION

**EDITOR'S NOTICE:** The following form has been filed by the State Corporation Commission. The form is available for public inspection at the State Corporation Commission, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia. Copies of the form may be obtained from Angela Bowser, State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219, P. O. Box 1197, Richmond, Virginia 23218, telephone (804) 371-9141 or e-mail [abowser@scc.virginia.gov](mailto:abowser@scc.virginia.gov).

**Title of Regulation: 20 VAC 5-315. Regulations Governing Net Energy Metering.**

#### FORMS

Net Metering Interconnection Notification, Form NMIN (eff. 4/05 9/06).

**NET METERING INTERCONNECTION NOTIFICATION**

PURSUANT TO RULE 20 VAC 5-315-30 OF THE COMMISSION'S REGULATIONS GOVERNING NET ENERGY METERING, APPLICANT HEREBY GIVES NOTICE OF INTENT TO OPERATE A GENERATING FACILITY.

**Section 1. Applicant Information**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Facility Location (if different from above): \_\_\_\_\_  
Distribution Utility: \_\_\_\_\_  
Distribution Utility Account Number: \_\_\_\_\_  
Energy Service Provider (ESP) (if different than electric distribution company): \_\_\_\_\_  
ESP Account Number (if applicable): \_\_\_\_\_  
Proposed Interconnection Date \_\_\_\_\_

**Section 2. Generating Facility Information**

Facility Owner and/or Operator Name (if different from Applicant): \_\_\_\_\_  
Business Relationship to Applicant: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Fuel Type: \_\_\_\_\_  
Generator Manufacturer and Model: \_\_\_\_\_  
Rated Capacity in kilowatts: AC \_\_\_\_\_ DC \_\_\_\_\_  
Inverter Manufacturer and Model: \_\_\_\_\_  
Battery Backup (circle one): Yes \_\_\_\_\_ No \_\_\_\_\_

Form NMIN

Page 2 of 2

**Section 3. Information for Generators with an AC Capacity in Excess of 25 kilowatts**

Generator Type (circle one): Inverter                      Induction                      Synchronous \_\_\_\_\_

Frequency: \_\_\_\_\_ Hz; Number of phases (circle one): One                      Three

Rated Capacity: DC \_\_\_\_\_ KW; AC apparent \_\_\_\_\_ KVA; AC real \_\_\_\_\_ KW;

Power factor \_\_\_\_\_%; AC voltage \_\_\_\_\_; AC amperage \_\_\_\_\_

Facility schematic and equipment layout must be attached to this form.

A prospective net metering customer considering installing a renewable fuel generator with a capacity in excess of 25 KW is strongly encouraged to contact the electric distribution company prior to making financial commitments to the project.

**Section 4. Vendor Certification**

The system hardware is listed by Underwriters Laboratories to be in compliance with UL 1741.

Signed (Vendor): \_\_\_\_\_ Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_ Phone Number: \_\_\_\_\_

Company: \_\_\_\_\_

**Section 5. Electrician Certification**

The system has been installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code.

Signed (Licensed Electrician): \_\_\_\_\_ Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

License Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mail Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Utility signature signifies only receipt of this form, in compliance with the Commission's net energy metering regulations, Regulation 20 VAC 5-315-30.

Signed (Utility Representative): \_\_\_\_\_ Date: \_\_\_\_\_

**I hereby certify that, to the best of my knowledge, all of the information provided in this Notice is true and correct.****Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

---

# GENERAL NOTICES/ERRATA

---

## STATE CORPORATION COMMISSION

### Bureau of Insurance

AT RICHMOND, OCTOBER 10, 2006

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2006-00128

Ex Parte: In the matter of Adopting Revisions to the Rules Governing Life Insurance Replacements

### VACATING ORDER

GOOD CAUSE having been shown, the Order Adopting Revisions to Rules entered on September 27, 2006, on this matter is hereby vacated.

A COPY hereof shall be filed with the Clerk of the Commission and thereby placed in Case No. INS-2006-00128.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Jacqueline K. Cunningham, Deputy Commissioner, Bureau of Insurance, State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219.

\*\*\*\*\*

AT RICHMOND, OCTOBER 10, 2006

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2006-00129

Ex Parte: In the matter of Adopting New Rules Governing Suitability in Annuity Transactions

### VACATING ORDER

GOOD CAUSE having been shown, the Order Adopting Rules entered on September 27, 2006, on this matter is hereby vacated.

A COPY hereof shall be filed with the Clerk of the Commission and thereby placed in Case No. INS-2006-00129.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Jacqueline K. Cunningham, Deputy Commissioner, Bureau of Insurance, State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219; and Brian P. Gaudiose, Deputy Commissioner,

Bureau of Insurance, State Corporation Commission,  
1300 East Main Street, Richmond, Virginia 23219.

\*\*\*\*\*

September 25, 2006

Administrative Letter 2006-13

To: All Insurers Licensed to Market Credit Life Insurance or Credit Accident and Sickness Insurance in Virginia

Re: Credit Life Insurance and Credit Accident and Sickness Insurance  
Premium Rates Effective  
January 1, 2007

On July 21, 2006, the Virginia State Corporation Commission (the "Commission") issued an Order Adopting Adjusted Prima Facie Rates for the Triennium Commencing January 1, 2007, Case No. INS-2006-00013. All insurers licensed to market credit life insurance or credit accident and sickness insurance in Virginia were mailed a copy of the Order and the adopted rates on July 28, 2006. Pursuant to § 38.2-3725 D and E of the Code of Virginia, the adjusted prima facie rates for the triennium commencing January 1, 2007 will remain in effect until January 1, 2010.

In accordance with §§ 38.2-3728 A and 38.2-3729 C of the Code of Virginia, each company that markets credit life insurance or credit accident and sickness insurance in Virginia is required to file its rates and refund formulas that it intends to use effective January 1, 2007. To expedite the review of the filing include, at a minimum, the following information:

The specific single premium and monthly outstanding balance (MOB) rates and rate formulas, and examples of the rate formulas,

All refund formulas, including examples,

Any other information required to document the development of the rates and refund formulas,

The date of previously approved formulas,

The form number to which each rate or formula will apply, and

A description of the referenced forms.

A request for approval of a deviated premium rate or rates to be effective on or after January 1, 2007 may be included as part of the actuarial memorandum referenced above. It should be noted that previously approved deviated premium rates can only be used through December 31, 2006, in accordance with § 38.2-3728 C 1 of the Code of Virginia.

The filing requirements for credit life insurance and credit accident and sickness insurance filings may be found on the Bureau's website at

[http://www.scc.virginia.gov/division/boi/webpages/boinaicpr  
oductreviewchecklistlh.htm](http://www.scc.virginia.gov/division/boi/webpages/boinaicpr<br/>oductreviewchecklistlh.htm)

My staff will review filings as promptly as possible; however, companies that delay making filings after December 1, 2006 cannot be assured that our review will be completed by January 1, 2007. Any insurer that does not have rates and refund formulas approved by the Commission on or before January 1, 2007 that comply with the prima facie rates set forth in INS-2006-00013 must cease marketing credit life insurance or credit accident and sickness insurance in Virginia as of January 1, 2007 and must cease charging premiums for existing MOB contracts as of January 1, 2007 until such date that it has received the Commission's approval, as noted above.

Any questions with regard to any of the above matters should be directed to Robert F. Grissom, Senior Insurance Market Examiner, Life and Health Division, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9110, FAX (804) 371-9944, or email [bob.grissom@scc.virginia.gov](mailto:bob.grissom@scc.virginia.gov).

/s/ Alfred W. Gross

Commissioner of Insurance

\*\*\*\*\*

September 29, 2006

Administrative Letter 2006-14

TO: All Companies Operating One or More Managed Care Health Insurance Plans in Virginia and Interested Parties

RE: § 38.2-5900 of the Code of Virginia

Rules Governing Independent External Review of Final Adverse Utilization Review Decisions, 14 VAC 5-215-10, et seq.

Final Adverse Decision Letters

The purpose of this letter is to provide general guidance to companies operating Managed Care Health Insurance Plans (MCHIPs) in Virginia in the preparation of final adverse decision\* letters. Through various regulatory oversight and consumer assistance functions, Bureau staff has reviewed many of these letters, and has received feedback from individuals impacted by final adverse decisions. While many of the letters are clear and straightforward in their presentation of information, some lack clarity or prominence in identifying important information.

While final adverse decision letters are not subject to prior approval by the Bureau, they are reviewed during market conduct examinations, during investigations of consumer complaints, and in connection with consumer assistance functions through the Offices of the Managed Care Ombudsman and External Appeals. We recognize that a

standard form letter cannot be used to communicate effectively final adverse decisions. To the extent, however, that certain information can be standardized, made prominent and presented in a certain sequence, the Bureau is prepared to provide language for final adverse decision letters addressing these concerns. Companies that choose to adopt the format of presentation and *italicized* text described below can be assured that those portions of their final adverse decision letters that are consistent with this letter will be considered compliant by the Bureau. Final adverse decision letters may also include information beyond that which is addressed in this letter.

1. **All** final adverse decision letters must include the following information:

- A clear and concise identification of the decision and a statement that this is a final adverse decision.
- The criteria used to make the decision.
- The clinical reason for the decision.
- The following information concerning the Office of the Managed Care Ombudsman:

If you have problems with or questions about your appeal rights, you may contact the Office of the Managed Care Ombudsman, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone 1-877 310-6560 (toll free), (804) 371-9032 (Richmond Metropolitan Area), or email [ombudsman@scc.virginia.gov](mailto:ombudsman@scc.virginia.gov).

2. Final adverse decision letters that address decisions which qualify for an independent external review\* must include information concerning the covered person's independent external review rights, in addition to the information identified in #1, above. Note, however, that information concerning a covered person's independent external review rights should NOT be included when a final determination is made which does not qualify for an independent external review. \*

The following suggested wording identifies specific required information for those decisions which qualify for an independent external review.

As a covered person under a Managed Care Health Insurance Plan (MCHIP), issued in Virginia, you may submit a formal appeal of this decision to the State Corporation Commission's Bureau of Insurance, which administers an External Appeal Program to provide a fair and impartial review of appeals. To be eligible to file the appeal to the Bureau of Insurance, the actual cost to you of the service involved must exceed \$300, and you must be covered under a fully-insured plan issued in Virginia. **NOTE:** The appeal must be filed

with the Bureau of Insurance within 30 days of the date of this letter, regardless of whether or not you intend to communicate or appeal further with [company] concerning the adverse decision.

Forms and related instructions for submitting an appeal request to the Bureau of Insurance are enclosed. A \$50 filing fee should accompany your appeal request, however this fee may be waived or refunded if the payment of the fee will cause you undue financial hardship. If you would like to request a waiver of the fee, there is a designated space to provide the reason(s) for the fee waiver request in the attached appeal form.

The ruling provided by the Commissioner of Insurance on your appeal will be in writing and will be final and binding on you and [company] *to the same extent that each would have been bound by a judgment entered in an action at law or in equity, and, except in the instance of fraud, may preclude your exercising any other right or remedy relating to the adverse decision.*

While this letter addresses requirements specifically applicable to final adverse decision letters, other communications from the MCHIP to the covered person must adhere to certain statutory requirements as well. We encourage all MCHIPs to review the Bureau's website regularly for more detailed compliance information relating to MCHIPs, or to contact the Bureau at the number below.

We appreciate your attention to this matter. Questions concerning this letter may be addressed to Julie Blauvelt, Senior Insurance Examiner, Bureau of Insurance, Life and Health Division, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9865.

/s/ Alfred W. Gross  
Commissioner of Insurance

\* Final adverse decisions involving utilization review determinations, including those denials based on findings that care is not medically necessary or is experimental or investigational qualify for an independent external review and therefore should include the information in number 2, above. A final adverse decision includes any adverse utilization review determination resulting from an expedited appeal, or a decision to decline an expedited review in an alleged medical emergency situation, as well as a final adverse utilization review determination following completion of the internal appeal process. Decisions based upon clear contractual restrictions or exclusions do not qualify for an independent external appeal. Refer to Virginia Code § 38.2-5900 and 14 VAC 5-215-30, definitions of "covered person", "final adverse decision", and "utilization review" for more specific information.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Total Maximum Daily Load (TMDL) - Mill and Hawksbill Creeks

The Virginia 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 the total maximum daily load (TMDL) to address water quality impairments on Mill and Hawksbill Creeks in Page County, Virginia. These streams were identified as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria and therefore do not support the Primary Contact (swimming) Designated Use. The impairments on Mill and Hawksbill Creeks both begin at their headwaters and continue downstream to their confluences with the South Fork Shenandoah River. This includes 6.78 stream miles for Mill Creek and 19.3 stream miles for Hawksbill Creek. TMDLs for Mill and Hawksbill Creeks were completed and approved by EPA in 2005 and 2004 and are available on DEQ's website at <http://www.deq.virginia.gov/tmdl>.

Section 62.1-44.19.7 C of the Code of Virginia requires the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits and environmental impacts.

The first public meeting on the development of the IP for Mill and Hawksbill Creek impairments will be held on Tuesday, November 14, at 7 p.m. at the Page County Courthouse, South Court Street, Luray, Virginia. The purpose of the meeting is to discuss the proposed reductions in bacteria needed in the Mill and Hawksbill Creek watersheds and to solicit public participation for the IP development. Following the public meeting, two working group meetings will be held: a residential working group meeting and an agricultural working group meeting. The purpose of the working group meetings is to collect specific information on residential and agricultural sources of bacteria in the watersheds, and to discuss methods by which to achieve the necessary bacteria reductions from these sources to meet the TMDLs.

The public comment period for this public meeting will end on December 14, 2006. Questions or information requests should be addressed to Nesha Mizel. Written comments and inquires should include the name, address, and telephone number of the person submitting the comments and should be sent to Nesha Mizel, Virginia Department of Conservation and Recreation, 44 Sangers Lane, Suite 102, Staunton, VA 24401, telephone (540) 332-9238, or email [nesha.mizel@dcr.virginia.gov](mailto:nesha.mizel@dcr.virginia.gov).

## **Water Quality Assessment Intergrated Report**

The Virginia Department of Environmental Quality (DEQ) will release the Final 2006 305(b)/303(d) Water Quality Assessment Integrated Report (Integrated Report) on October 30, 2006.

The Integrated Report combines both the 305(b) Water Quality Assessment and the 303(d) Report on Impaired Waters. This report was available for public comment from July 10, 2006, through August 11, 2006. Comments were received from the public and the United States Environmental Protection Agency (EPA). In response to comments, the report was revised and resubmitted to EPA in September 2006 and approved.

The final report, responses to written comments, and map images are available for download on our website at <http://www.deq.virginia.gov/wqa/>. A very limited number of hard copies of the report are available by contacting Pat Carpin, either via email at [pmcarpin@deq.virginia.gov](mailto:pmcarpin@deq.virginia.gov), or via phone at (804) 698-4575. The report is also available at no charge on CD-ROM (limit one per person) via the website. These CD-ROMs include the entire report, all of its appendices, and a book of maps developed from the 2006 assessment.

A hard copy of the entire map book is also available. The map book can be ordered by printing the form found at <http://www.deq.virginia.gov/wqa/pdf/2006ir/maporder.pdf> on the website, filling it out and mailing it to DEQ at the address indicated on the form with a check payable to "Treasurer of Virginia." Please memo your check with "2006 IR maps." The fees are listed on the order form.

Questions about the final report can be directed to Darryl M. Glover, Water Quality Monitoring and Assessment Manager, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, or email [dmglover@deq.virginia.gov](mailto:dmglover@deq.virginia.gov).

## **STATE WATER CONTROL BOARD**

### **Proposed Consent Special Order - Pilot Travel Centers, L.L.C.**

Purpose of notice: To invite citizens to comment on a proposed consent order for a facility in Caroline County, Virginia.

Public comment period: October 30, 2006, to November 29, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Pilot Travel Centers LLC to address alleged violations at the Pilot Oil Center #291 governed by permit number VA0085871. The location of the facility where the alleged violation occurred is 23845 Rogers

Clark Boulevard, Ruther Glen, Virginia 22546. The consent order describes a settlement to resolve exceedences and misreporting of Total Petroleum Hydrocarbons, an outdated Storm Water Pollution Prevention Plan, inadequate certification of laboratory equipment, failure to meet pH limit, and prohibited use of detergent.

How to comment: DEQ accepts comments from the public by email, fax, or postal mail. All comments must include the name, address, and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information Sarah Baker, Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3850, FAX (703) 583-3841, or email [sbaker@deq.virginia.gov](mailto:sbaker@deq.virginia.gov).

### **Proposed Consent Special Order - Vaughn & Jackson, L.L.C.**

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Roanoke County, Virginia.

Public comment period: October 30, 2006, through November 29, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Vaughn & Jackson L.L.C., to address alleged violations of their Virginia Water Protection Permit and regulations. The location of the facility where the alleged violation occurred is off of Route 221 in the southwest part of the county on property known as the Old Mill Plantation. The consent order describes a settlement to resolve permit violations for failure to establish and maintain erosion and sedimentation controls, unauthorized discharges of waste to state waters not in compliance with the permit, and installation of a road crossing without the implementation of cofferdams, sheetpiling, stream diversions, or other similar structures.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information Steven Wright, Department of Environmental Quality, West Central Regional Office, 3019

---

## General Notices/Errata

---

Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6792, FAX (540) 562-6725, or email sbwright@deq.virginia.gov.

### STATE WATER CONTROL BOARD

#### Notice of Intent to Approve Use of Virginia Aquatic Resources Trust Fund as a Form of Compensatory Mitigation

Pursuant to § 62.1-44.15:5 D of the Code of Virginia and 9 VAC 25-210-115 E, the State Water Control Board (the board) is giving notice of its intent to approve the continued use of the Virginia Aquatic Resources Trust Fund (the fund) as one of several acceptable forms of compensatory mitigation for permitted impacts to state waters, including wetlands, after considering public comment for a 30-day period starting October 30, 2006. The board first approved use of the fund as a compensatory mitigation option in December 2001, and then again in April 2003 based on the 2002 annual report submitted to DEQ. The Norfolk District Corps of Engineers (the Corps) submitted the 2005 annual report of fund activities on April 11, 2006. The Corps has requested that the board approve continued use of the fund, for a five-year period, as meeting the requirements set forth in 9 VAC 25-210-115 E, including: dedication to the achievement of no net loss of wetland or stream acreage and function; consultation with the board on site selection; provision of annual reports detailing contributions by watershed; and a mechanism to establish fee amounts. The board proposes to approve continued use of the fund as a compensatory mitigation option for a one-year period, ending December 31, 2007, provided that the following conditions are met: DEQ has the opportunity to review and comment on site selection and wetland and stream project plans prior to their approval; the fund cannot be used as a compensatory mitigation option in geographic areas having approved mitigation banks with appropriate credits available for purchase, unless DEQ gives specific approval on a case-by-case basis; and monitoring reports on wetland and stream restoration sites are completed and available for review. The final 2005 annual report is available on the Department of Environmental Quality website at <http://www.deq.virginia.gov/wetlands/mitigate.html> or by calling or emailing David L. Davis, DEQ Office of Wetlands & Water Protection. Written comments, including those by email, must be received no later than 4 p.m. on December 1, 2006, and should be submitted to David L. Davis at the address given below. Only those comments received within this period will be considered by the board. Written comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments.

For additional information, contact David L. Davis, Department of Environmental Quality, Office of Wetlands & Water Protection, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4105, FAX (804) 698-4347, or email dldavis@deq.virginia.gov.

### VIRGINIA CODE COMMISSION

#### Notice to State Agencies

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

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

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

**Internet:** Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

#### FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01  
NOTICE of COMMENT PERIOD-RR02  
PROPOSED (Transmittal Sheet)-RR03  
FINAL (Transmittal Sheet)-RR04  
EMERGENCY (Transmittal Sheet)-RR05  
NOTICE of MEETING-RR06  
AGENCY RESPONSE TO LEGISLATIVE  
OBJECTIONS-RR08  
RESPONSE TO PETITION FOR RULEMAKING-RR13  
FAST-TRACK RULEMAKING ACTION-RR14

---

# CALENDAR OF EVENTS

---

## Symbol Key

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

 Location accessible to persons with disabilities

 Teletype (TTY)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at [www.virginia.gov](http://www.virginia.gov) 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 website's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **December 7, 2006 - 9 a.m.** -- Open Meeting  
Oliver Hill Building, 102 Governor Street, 220 Board Room, 2nd Floor, Richmond, Virginia. 

A meeting to discuss issues related to Virginia agriculture and consumer services. Two regulations will be discussed: 2 VAC 5-585, Retail Food Establishment Regulations, and 2 VAC 5-490, Regulations Governing Grade "A" Milk. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Roy E. Seward, Director, Board of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, email [roy.seward@vdacs.virginia.gov](mailto:roy.seward@vdacs.virginia.gov).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† **November 8, 2006 - 9:30 a.m.** -- Open Meeting  
Oliver W. Hill Building, 102 Governor Street, 220 Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Consumer Affairs Advisory Committee communicates the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services' consumer education and fraud prevention programs and their availability to citizens. Members will share their

consumer issues and education outreach efforts for the past six months and advise the Office of Consumer Affairs with planning for similar efforts for 2007. 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.

**Contact:** Evelyn A. Jez, Ph.D., Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 102 Governor St., Lower Level, Richmond, VA 23219, telephone (804) 786-1308, FAX (804) 225-2666, toll-free (800) 552-9963, (800) 828-1120/TTY , email [penny.jez@vdacs.virginia.gov](mailto:penny.jez@vdacs.virginia.gov).

### ALCOHOLIC BEVERAGE CONTROL BOARD

**November 6, 2006 - 9 a.m.** -- Open Meeting  
**November 20, 2006 - 9 a.m.** -- Open Meeting  
**December 4, 2006 - 9 a.m.** -- Open Meeting  
**December 18, 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 , email [curtis.coleburn@abc.virginia.gov](mailto:curtis.coleburn@abc.virginia.gov).

---

## Calendar of Events

---

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

**October 31, 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 email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

**November 2, 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 email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

**November 8, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, 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 email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

**November 9, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, 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 email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

### **ART AND ARCHITECTURAL REVIEW BOARD**

**November 3, 2006 - 10 a.m.** -- Open Meeting  
**December 1, 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.virginia.gov](http://www.dgs.virginia.gov). 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:** Brian Ohlinger, AIA, Chairman, Art and Architectural Review Board, 700 West Grace Street, Suite 2200, Richmond, VA 23284, telephone (804) 828-9647, FAX (804) 828-1288, (804) 786-6152/TTY , or email [bjohling@vcu.edu](mailto:bjohling@vcu.edu).

### **VIRGINIA COMMISSION FOR THE ARTS**

**† December 7, 2006 - 8:30 a.m.** -- Open Meeting  
Richmond, Virginia; location to be announced.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the commissioners to review grant award recommendations by the Arts in Education Teacher Incentive Grant Panel, as well as grant award recommendations by the Technology Enhancement Grant Panel.

**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 ☎, email  
peggy.baggett@arts.virginia.gov.

## VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

**November 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. A portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or 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 Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email alhi@dpor.virginia.gov.

**December 15, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. ♿

A licensing informal fact-finding conference.

**Contact:** David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email asbestos@dpor.virginia.gov.

## AUCTIONEERS BOARD

**November 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 Auctioneers Board intends to amend regulations entitled **18 VAC 25-21, Regulations of the Virginia Auctioneers Board**. The purpose of the proposed action is to develop necessary regulations to implement a mandatory continuing education program for the renewal and reinstatement of auctioneer licenses as required by Chapter 956 of the 2004 Acts of Assembly.

Statutory Authority: §§ 54.1-201, 54.1-602 and 54.1-603.1 of the Code of Virginia.

**Contact:** Marian H. Brooks, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0785 or email auctioneers@dpor.virginia.gov.

## BOARD FOR BARBERS AND COSMETOLOGY

**November 6, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A general business meeting to include 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. 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:** 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 ☎, email barbercosmo@dpor.virginia.gov.

**November 17, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. ♿

An informal fact-finding conference.

**Contact:** William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY ☎, email barbercosmo@dpor.virginia.gov.

\*\*\*\*\*

† **December 11, 2006 - 10 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

† **December 29, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Barbers and Cosmetology intends to adopt regulations entitled **18 VAC 41-70, Esthetics Regulations**. The purpose of the proposed action is to promulgate regulations governing the licensure and practice of esthetics as directed by Chapter 829 of the 2005 Acts of Assembly. In addition to any other comments,

---

## Calendar of Events

---

the board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board 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, email or fax to William H. Ferguson II, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad St., Richmond, VA 23230, Phone (804) 367-8590, FAX (804) 367-6295, [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov). In order to be considered, comments must be received by the last date of the public comment period.

Statutory Authority: § 54.1-201 of the Code of Virginia.

**Contact:** William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY ☎, email [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov).

### BOARD FOR BRANCH PILOTS

**November 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 ☎, email [branchpilots@dpor.virginia.gov](mailto:branchpilots@dpor.virginia.gov).

**November 1, 2006 - 9:30 a.m.** -- Open Meeting  
**December 11, 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 ☎, email [branchpilots@dpor.virginia.gov](mailto:branchpilots@dpor.virginia.gov).

**December 4, 2006 - 9 a.m.** -- Open Meeting

**December 5, 2006 - 9 a.m.** -- Open Meeting  
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ♿

A meeting to conduct examinations for renewal of licenses.

**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 ☎, email [branchpilots@dpor.virginia.gov](mailto:branchpilots@dpor.virginia.gov).

### CEMETERY BOARD

**November 4, 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 Cemetery Board intends to amend regulations entitled **18 VAC 47-20, Cemetery Board Rules and Regulations**. The purpose of the proposed action is to replace emergency regulations with permanent regulations.

Statutory Authority: §§ 54.1-201 and 54.1-2313 of the Code of Virginia.

**Contact:** Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946 or email [cemetery@dpor.virginia.gov](mailto:cemetery@dpor.virginia.gov).

### CHARITABLE GAMING BOARD

**December 5, 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, email [clyde.cristman@dpg.virginia.gov](mailto:clyde.cristman@dpg.virginia.gov).

### CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**October 31, 2006 - 10 a.m.** -- Canceled  
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 is canceled.

**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, email david.dowling@dcr.virginia.gov.

† **October 31, 2006 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room 3, Mezzanine Level, Richmond, Virginia. ♿

A combined meeting of the Chesapeake Bay Local Assistance Board Northern and Southern Area Review Committees for review of 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.

**October 31, 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, email david.dowling@dcr.virginia.gov.

**December 11, 2006 - 10 a.m.** -- Open Meeting  
Location to be announced.

A regular meeting 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, email david.dowling@dcr.virginia.gov.

## CHILD DAY-CARE COUNCIL

**November 9, 2006 - 10 a.m.** -- Open Meeting  
Department of Social Services, 7 North 8th Street, Richmond, Virginia. ♿

A business meeting. Committee meetings will be held from 10 a.m. until noon. The full council meeting begins at 1 p.m.

**Contact:** Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ♿, email patricia.rengnerth@dss.virginia.gov.

## STATE CHILD FATALITY REVIEW TEAM

**November 17, 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 E. Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595, toll-free (800) 447-1708, email rae.hunter-havens@vdh.virginia.gov.

## STATE BOARD FOR COMMUNITY COLLEGES

† **November 14, 2006 - 11:45 a.m.** -- Open Meeting  
The Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

The 2006 annual meeting. A registration fee is required.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ♿

† **November 15, 2006 - 1:30 p.m.** -- Open Meeting  
The Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

Meetings of the Budget and Finance, Academic, Student Affairs and Workforce Development, Audit, Facilities, and the Personnel committees.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ♿

† **November 16, 2006 - 9:15 a.m.** -- Open Meeting  
Goochland Campus, J. Sargeant Reynolds Community College, 1851 Dickenson Road, Goochland, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **January 17, 2007 - 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, Budget and Finance Committee, Facilities Committee, Audit Committee, and Personnel Committee.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St.,

---

## Calendar of Events

---

Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

† **January 18, 2007 - 9 a.m.** -- Open Meeting  
Godwin-Hamel Board Room, James Monroe Building, 101 North 14th Street, 15th Floor, James Monroe Building, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the full board. Public comment may be received upon written notification at least five working days prior to the meeting.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

### COMPENSATION BOARD

**November 15, 2006 - 11 a.m.** -- Open Meeting  
102 Governor Street, Lower Level, Room LL22, 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, email cindy.waddell@scb.virginia.gov.

### DEPARTMENT OF CONSERVATION AND RECREATION

**October 30, 2006 - 3 p.m.** -- Open Meeting  
**October 30, 2006 - 7 p.m.** -- Open Meeting  
Northern Neck Planning District Commission Office (Planning District 17), 457 Main Street, Warsaw, Virginia.

**October 30, 2006 - 3 p.m.** -- Open Meeting  
**October 30, 2006 - 7 p.m.** -- Open Meeting  
George Washington Regional Commission Office (Planning District 16), 3304 Bourbon Street, Fredericksburg, Virginia. ♿

**November 2, 2006 - 3 p.m.** -- Open Meeting  
**November 2, 2006 - 7 p.m.** -- Open Meeting  
Commonwealth Regional Council (Planning District 14), Old Train Station, 510 West 3rd Street, Farmville, Virginia.

The purpose of the meetings is twofold. The first goal is to present to the public an overview of the Virginia Outdoors Plan that will be published in 2007 and to specifically outline the draft recommendations for the designated areas and receive comments on those recommendations as well as obtain additional ideas. The second goal is to solicit any comments or recommendations for land conservation efforts in the region. The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation, and open space plan, and it is intended to serve as a guide to all levels of government and the private sector in

meeting the land conservation, outdoor recreation and open space needs of the state.

**Contact:** Bill Conkle, Park Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-5492, FAX (804) 371-7899, email bill.conkle@dcr.virginia.gov.

NOTE: CHANGE IN MEETING LOCATION

**October 31, 2006 - 9 a.m.** -- Open Meeting  
Virginia Commonwealth University, University Student Commons, Richmond Salons, 907 Floyd Avenue, 2nd Floor, Richmond, Virginia.

A Technical Advisory Committee meeting to assist the department in considering revisions to the Virginia Soil and Water Conservation Board's Impounding Structure (Dam Safety) Regulations.

**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, email david.dowling@dcr.virginia.gov.

**November 9, 2006 - Noon** -- Open Meeting  
**December 14, 2006 - Noon** -- Open Meeting  
Richmond City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, 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, email david.dowling@dcr.virginia.gov.

**November 1, 2006 - 3 p.m.** -- Open Meeting  
**November 1, 2006 - 7 p.m.** -- Open Meeting  
Accomack-Northhampton Planning District Commission Office (Planning District 22), 23372 Front Street, Accomac, Virginia.

† **November 13, 2006 - 3 p.m.** -- Open Meeting  
† **November 13, 2006 - 7 p.m.** -- Open Meeting  
Middle Peninsula Planning District Commission, 125 Bowdeb Street, Saluda, Virginia. ♿  
Northern Virginia Regional Commission Office, 3060 Williams Drive, Suite 510, Fairfax, Virginia. ♿

† **November 16, 2006 - 3 p.m.** -- Open Meeting  
† **November 16, 2006 - 7 p.m.** -- Open Meeting  
Richmond Regional Planning District Commission Office, 2104 West Laburnum Avenue, Richmond, Virginia.

† **November 27, 2006 - 3 p.m.** -- Open Meeting  
 † **November 27, 2006 - 7 p.m.** -- Open Meeting  
 Hampton Roads Planning District Commission Office 723  
 Woodlake Drive Chesapeake 23320 

The 2007 Virginia Outdoors Plan Regional Meeting. The purpose of the meeting is twofold. The first goal is to present to the public an overview of the Virginia Outdoors Plan that will be published in 2007 and to specifically outline the draft recommendations for the Northern Neck area and receive comments on those or recommendations for land conservation efforts in the region. The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation, and open space plan, and it is intended to serve as a guide to all levels of government and the private sector in meeting the land conservation, outdoor recreation and open space needs of the state.

**Contact:** Janit Llewellyn, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-0887, FAX (804) 371-7899, email janit.llewellyn@dcr.virginia.gov.

**November 21, 2006 - 10 a.m.** -- Open Meeting  
 Location to be announced.

A meeting of the Virginia Land Conservation Foundation to review grant manual criteria.

**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, email david.dowling@dcr.virginia.gov.

† **November 13, 2006 - 3 p.m.** -- Open Meeting  
 † **November 13, 2006 - 7 p.m.** -- Open Meeting  
 Middle Peninsula Planning District Commission (Planning District 9), 125 Bowdeb Street, Saluda, Virginia. 

† **November 15, 2006 - 3 p.m.** -- Open Meeting  
 † **November 15, 2006 - 7 p.m.** -- Open Meeting  
 Crater Planning District Commission Office, 1964 Wakefield Street, Petersburg, Virginia. 

† **November 15, 2006 - 3 p.m.** -- Open Meeting  
 † **November 15, 2006 - 7 p.m.** -- Open Meeting  
 Northern Virginia Regional Commission Office (Planning District 8), 3060 Williams Drive, Suite 510, Fairfax, Virginia. 

The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation, and open space plan, and it is intended to serve as a guide to all levels of government and the private sector in meeting the land conservation, outdoor recreation, and open space needs of the state. The 2007 edition of the Virginia Outdoors Plan

(VOP) will be the 9th produced in Virginia in accordance with § 10.1-200 of the Code of Virginia. In addition, the plan serves as a guidance document for the protection of lands through actions of the Virginia Land Conservation Foundation (VLCF). Its development is also necessary in order to meet requirements for Virginia's participation in the federal Land and Water Conservation Fund (LWCF) program. Preparation of the 2007 VOP has been under development this past year, and now the Department of Conservation and Recreation has scheduled public meetings to introduce this coming year's plan and specifically, regional sections. Areas discussed in the plan follow boundaries of Planning Districts (Regional Commissions). With this series of meetings, it is DCR's intent to provide the public with an overview of the VOP, outline draft recommendations for local areas, receive comments on these recommendations, obtain additional ideas, and solicit any comments or recommendations for land conservation efforts in the region. DCR will also be accepting comments in writing at the address on this announcement (please put Attn: John Davy, Division Director, on the envelope), or e-mail the office at the following address, vop@dcr.virginia.gov. To keep abreast of the latest developments, please visit [www.dcr.virginia.gov](http://www.dcr.virginia.gov).

**Contact:** Janit Llewellyn, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor Street, Suite 326 Richmond, VA 23219, telephone (804) 786-0887, FAX (804) 371-7899, e-mail janit.llewellyn@dcr.virginia.gov.

† **November 16, 2006 - 3 p.m.** -- Open Meeting  
 † **November 16, 2006 - 7 p.m.** -- Open Meeting  
 Richmond Regional Planning District Commission Office (Planning District 15), 2104 West Laburnum Avenue, Suite 101, Richmond, Virginia.

The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation, and open space plan, and it is intended to serve as a guide to all levels of government and the private sector in meeting the land conservation, outdoor recreation, and open space needs of the state. The 2007 edition of the Virginia Outdoors Plan (VOP) will be the 9th produced in Virginia in accordance with § 10.1-200 of the Code of Virginia. In addition, the plan serves as a guidance document for the protection of lands through actions of the Virginia Land Conservation Foundation (VLCF). Its development is also necessary in order to meet requirements for Virginia's participation in the federal Land and Water Conservation Fund (LWCF) program. Preparation of the 2007 VOP has been under development this past year, and now the Department of Conservation and Recreation has scheduled public meetings to introduce this coming year's plan and specifically, regional sections. Areas discussed in the plan

---

## Calendar of Events

---

follow boundaries of Planning Districts (Regional Commissions). With this series of meetings, it is DCR's intent to provide the public with an overview of the VOP, outline draft recommendations for local areas, receive comments on these recommendations, obtain additional ideas, and solicit any comments or recommendations for land conservation efforts in the region. DCR will also be accepting comments in writing at the address on this announcement (please put Attn: John Davy, Division Director, on the envelope), or e-mail the office at the following address, [vop@dcr.virginia.gov](mailto:vop@dcr.virginia.gov). To keep abreast of the latest developments, please visit [www.dcr.virginia.gov](http://www.dcr.virginia.gov).

**Contact:** Jennifer Wampler, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9240, FAX (804) 371-7899, e-mail [jennifer.wampler@dcr.virginia.gov](mailto:jennifer.wampler@dcr.virginia.gov).

† **November 27, 2006 - 3 p.m.** -- Open Meeting  
† **November 27, 2006 - 7 p.m.** -- Open Meeting  
Region 2000 Local Government Council area (Planning District 11), Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, Virginia. 

† **November 28, 2006 - 3 p.m.** -- Open Meeting  
† **November 28, 2006 - 7 p.m.** -- Open Meeting  
Roanoke Valley-Alleghany Regional Commission Office (Planning District 5), 313 Luck Avenue, S.W., Roanoke, Virginia. 

† **November 29, 2006 - 3 p.m.** -- Open Meeting  
† **November 29, 2006 - 7 p.m.** -- Open Meeting  
Central Shenandoah Planning District Commission Office (Planning District 6), 1112 MacTanly Place, Staunton, Virginia. 

† **November 30, 2006 - 3 p.m.** -- Open Meeting  
† **November 30, 2006 - 7 p.m.** -- Open Meeting  
Warren County Government Center (Northern Shenandoah Valley Regional Commission (Planning District 7)), 200 North Commerce Avenue, Community Room Front Royal, Virginia. 

The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation and open space plan, and it is intended to serve as a guide for all levels of government and the private sector in meeting the conservation, outdoor recreation, and open space needs of the state. The purpose of the meeting is twofold. The first goal is to provide the public with an overview of the Virginia Outdoors Plan that will be published in 2007 and to specifically outline the draft recommendations for the designated areas and receive comments on those recommendations as well as obtain additional ideas. The second goal is to solicit any comments or recommendations for land conservation efforts in the region.

**Contact:** Lynn Crump, Environmental Programs Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-5054, FAX (804) 371-7899, email [lynn.crump@dcr.virginia.gov](mailto:lynn.crump@dcr.virginia.gov).

† **November 28, 2006 - 3 p.m.** -- Open Meeting  
† **November 28, 2006 - 7 p.m.** -- Open Meeting  
Thomas Jefferson Planning District Commission Office (Planning District 10), 401 East Water Street, Charlottesville, Virginia. 

† **November 30, 2006 - 3 p.m.** -- Open Meeting  
† **November 30, 2006 - 7 p.m.** -- Open Meeting  
Rappahannock-Rapidan Regional Council (Planning District 9), Culpeper County Library, 271 Southgate Shopping Center, Culpeper, Virginia. 

The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation and open space plan, and it is intended to serve as a guide for all levels of government and the private sector in meeting the conservation, outdoor recreation, and open space needs of the state. The purpose of the meeting is twofold. The first goal is to provide the public with an overview of the Virginia Outdoors Plan that will be published in 2007 and to specifically outline the draft recommendations for the designated areas and receive comments on those recommendations as well as obtain additional ideas. The second goal is to solicit any comments or recommendations for land conservation efforts in the region.

**Contact:** Jennifer Wampler, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9240, FAX (804) 371-7899, email [jennifer.wampler@dcr.virginia.gov](mailto:jennifer.wampler@dcr.virginia.gov).

### Board of Conservation and Recreation

† **November 9, 2006 - 10 a.m.** -- Open Meeting  
Bear Creek Lake State Park, 929 Oak Hill Road, Cumberland, Virginia. 

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, email [david.dowling@dcr.virginia.gov](mailto:david.dowling@dcr.virginia.gov).

## Virginia Soil and Water Conservation Board

**November 16, 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, email david.dowling@dcr.virginia.gov.

## BOARD FOR CONTRACTORS

**October 31, 2006 - 9 a.m.** -- Open Meeting  
† **November 7, 2006 - 9 a.m.** -- Open Meeting  
† **November 9, 2006 - 9 a.m.** -- Open Meeting  
† **November 14, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

**Contact:** 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 ♿, email contractors@dpor.virginia.gov.

**November 28, 2006 - 9 a.m.** -- Open Meeting  
**December 19, 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 ♿, email contractors@dpor.virginia.gov.

**November 28, 2006 - 1 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A quarterly meeting of the Board for Contractors Committee. The meeting starts after the Board for Contractors meeting.

**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 ♿, email contractors@dpor.virginia.gov.

## BOARD OF CORRECTIONS

**November 14, 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, email barbara.woodhouse@vadoc.virginia.gov.

**November 14, 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, email barbara.woodhouse@vadoc.virginia.gov.

**November 15, 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, email barbara.woodhouse@vadoc.virginia.gov.

**November 15, 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, email barbara.woodhouse@vadoc.virginia.gov.

---

# Calendar of Events

---

## BOARD OF DENTISTRY

**November 3, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to eliminate the requirement for a second person to be in the operatory with the dentist to monitor the patient during the administration of inhalation analgesia or nitrous oxide. Copies of the board's regulation may be found on the board's website at <http://dhp.virginia.gov/dentistry>.

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

Public comments may be submitted until 5 p.m. on November 3, 2006, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**November 17, 2006 - 9 a.m.** -- Open Meeting

**December 15, 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 , email [cheri.emma-leigh@dhp.virginia.gov](mailto:cheri.emma-leigh@dhp.virginia.gov).

**December 1, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Credentials Committee to hold informal conferences. There will not be a public comment period.

**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 , email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**December 7, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Informal conferences. 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 , email [cheri.emma-leigh@dhp.virginia.gov](mailto:cheri.emma-leigh@dhp.virginia.gov).

**December 8, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting to discuss board business. There will be a 15-minute 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 , email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

## DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**November 16, 2006 - 11 a.m.** -- Open Meeting

**December 21, 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](http://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 , email [rhonda.bishton@dgs.virginia.gov](mailto:rhonda.bishton@dgs.virginia.gov).

## BOARD OF EDUCATION

† **November 1, 2006 - 10 a.m.** -- Open Meeting

James Monroe Building, 101 North 14th Street, 22nd Floor, Jefferson Meeting Room, Richmond, Virginia.

For information contact Elizabeth Hawa, Director of Adult Education Programs, P.O. Box 2120, Richmond, VA 23218, (804) 225-2836, [elizabeth.hawa@doe.virginia.gov](mailto:elizabeth.hawa@doe.virginia.gov).

**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, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

**November 29, 2006 - 9 a.m.** -- Open Meeting  
**January 10, 2007 - 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, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

\*\*\*\*\*

**November 29, 2006 - 11 a.m.** -- Public Hearing  
Department of Education, James Monroe Building, 101 North 14th Street, 22nd Floor, Richmond, Virginia.

**December 15, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to repeal regulations entitled **8 VAC 20-21, Licensure Regulations for School Personnel** and adopt regulations entitled **8 VAC 20-22, Licensure Regulations for School Personnel**. The purpose of the proposed action is to propose substantive changes in the requirements for licensure of school personnel. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8 VAC 20-21) and promulgate new regulations (8 VAC 20-22). Substantive new requirements are proposed for the following areas: (i) conditions for licensure; (ii) types of licenses; (iii) designations of career paths to teaching; (iv) added endorsements by examination; (v) conditions for licensure by reciprocity; (vi) names of a few endorsements and requirements for some teaching areas; (vii) endorsement areas by adding the mathematics specialist, school manager, and speech language assistants; and (viii) the administration and supervision endorsement.

Statutory Authority: §§ 22.1-298.1 and 22.1-299 of the Code of Virginia.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120,

James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

\*\*\*\*\*

**November 29, 2006 - 11 a.m.** -- Public Hearing  
Department of Education, James Monroe Building, 101 North 14th Street, 22nd Floor, Richmond, Virginia.

**December 15, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to repeal regulations entitled **8 VAC 20-541, Regulations Governing Approved Programs for Virginia Institutions of Higher Education** and adopt regulations entitled **8 VAC 20-542, Regulations Governing the Review and Approval of Education Programs in Virginia**. During recent years, national, state, and local educators as well as members of the general public have placed increased emphasis on the need to ensure in our nation's schools the provision of highly qualified teachers who in turn make a positive impact on preK-12 student achievement. Federal legislation such as the 2001 No Child Left Behind Act (NCLB) and the 1998 Reauthorization of the Title II Higher Education Act (Title II HEA) clearly express the need for increased accountability from states and institutions of higher education in the preparation, certification, and licensure of teachers and other school personnel.

Statutory Authority: §§ 22.1-16 and 22.1-298.1 of the Code of Virginia.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

## SECRETARY OF EDUCATION

**November 15, 2006 - 10 a.m.** -- Open Meeting  
Capital One West Creek Campus, Town Center Building, Richmond, Virginia.

A full council meeting of the Start Strong Pre-K Council.

**Contact:** Kendall Tyree, Special Assistant to the Secretary of Education, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2550, email [kendall.tyree@governor.virginia.gov](mailto:kendall.tyree@governor.virginia.gov).

---

# Calendar of Events

---

## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

NOTE: CHANGE IN MEETING DATE

**November 1, 2006 - 3 p.m.** -- Open Meeting

Timbrook Public Safety Center, 231 East Piccadilly Street, Winchester, Virginia.

A regular meeting.

**Contact:** L.A. Miller, Fire and Rescue Chief, Local Emergency Planning Committee, Winchester Fire and Rescue Department, 231 E. Piccadilly St., Winchester, VA 22601, telephone (540) 662-2298, FAX (540) 542-1318, (540) 662-4131/TTY ☎.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**October 31, 2006 - 10 a.m.** -- Open Meeting

Metropolitan Washington Council of Governments, 777 North Capitol Street, NE, Washington, D.C. ☎

The third meeting of the advisory committee on the TMDL study for PCBs in the tidal Potomac River, including selected tributaries to the tidal Potomac River in Maryland, Washington, D.C. and Virginia. The public notice appears in the Virginia Register on October 16, 2006.

**Contact:** Mark Richards, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4392, FAX (804) 698-4116, email marichards@deq.virginia.gov.

**November 6, 2006 - 7 p.m.** -- Open Meeting

Auburn High School, 4163 Riner Road, Riner, Virginia. ☎

The final public meeting on the development of the implementation plan to address fecal coliform bacteria impairments in the Mill Creek watershed in Montgomery County. The public notice appears in the Virginia Register on October 16, 2006. The public comment period begins on November 6, 2006, and ends on December 6, 2006.

**Contact:** Jason Ericson, Department of Conservation and Recreation, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, email jason.ericson@dcr.virginia.gov.

† **November 8, 2006 - 7 p.m.** -- Public Hearing

Huddleston Fire Station, 5377 Smith Mountain Lake Parkway, Huddleston, Virginia. ☎

A public hearing on a permit application from Royal Oak Farm in Bedford County to operate a Type B compost facility. The proposed permit will allow for the composting of an average of 516.5 wet tons/day of certain wastes. (The facility is NOT permitted to accept sanitary sewage sludge or nonsource separated municipal solid wastes.) The public comment period runs from October 4, 2006, to November 23, 2006. An informational briefing will be held prior to the public hearing beginning at 6 p.m.

**Contact:** Jenny Knepper, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6890, FAX (540) 562-6725, email jlknepper@deq.virginia.gov.

**November 9, 2006 - 7 p.m.** -- Open Meeting

Floyd County High School, 721 Baker Street, Floyd, Virginia. ☎

The final public meeting on the development of the implementation plan to address fecal coliform bacteria impairments in the Dodd Creek watershed in Floyd County. The public notice appears in the Virginia Register on October 16, 2006. The comment period begins on November 9, 2006, and ends on December 11, 2006.

**Contact:** Jason Ericson, Department of Conservation and Recreation, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, email jason.ericson@dcr.virginia.gov.

**November 9, 2006 - 7 p.m.** -- Open Meeting

Twin Valley Elementary and Middle School, Route 460, Auditorium, Oakwood, Virginia. ☎

The first public meeting on the development of TMDLs to address chlorides and bacteria impairments in the waters of Garden Creek in Buchanan County. The public notice appears in the Virginia Register on October 16, 2006.

**Contact:** Allen J. Newman, Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4804, FAX (276) 676-4899, email ajnewman@deq.virginia.gov.

† **November 14, 2006 - 7 p.m.** -- Open Meeting

Page County Courthouse, South Court Street, Luray, Virginia. ☎

The first public meeting on the development of the implementation plan for fecal coliform bacterial TMDLs on Mill and Hawksbill Creeks located in Page County. The public notice appears in the Virginia Register of Regulations on October 30, 2006.

**Contact:** Nesha Mizel, Virginia Department of Conservation and Recreation, 44 Sangers Lane, Suite 102, Staunton, VA 24401, telephone (540) 332-9238, email mesha.mizel@dcr.virginia.gov.

## VIRGINIA FIRE SERVICES BOARD

† **November 16, 2006 - 9:30 a.m.** -- Open Meeting

Department of Fire Programs Headquarters, Glen Allen, Virginia. ☎

9:30 a.m. to 11 a.m. - Burn Building Subcommittee

11 a.m. to 5 p.m. - New board members orientation

11 a.m. to 5 p.m. - Training Mini-Grant Application review/awards

**Contact:** Brook M. Pittinger, Quality Assurance Chief, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 249-1907, toll-free (866) 482-3473, email brook.pittinger@vdfp.virginia.gov.

## BOARD OF FORESTRY

† **November 13, 2006 - 10 a.m.** -- Open Meeting  
Department of Forestry, Central Office, 900 Natural Resources Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Donna S. Hoy, Administrative Staff Specialist, Department of Forestry, 900 Natural Resources Dr., Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, email donna.hoy@dof.virginia.gov.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **November 16, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Task Force on Cremation Laws and Regulations to discuss matters as they pertain to the cremation laws and regulations.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , email elizabeth.young@dhp.virginia.gov.

## COUNCIL ON VIRGINIA'S FUTURE

**October 30, 2006 - 10:30 a.m.** -- Open Meeting  
MCV Alumni House and Paul A. Gross Conference Center, Richmond, Virginia. 

**December 15, 2006 - Noon** -- Open Meeting  
General Assembly Building, 9th and Broad Street, Senate Room A, Richmond, Virginia. 

A meeting of the members of the Council on Virginia's Future, related staff, members of the press, and the general public.

**Contact:** Gilbert M. An (Gigi), Executive Assistant to the Director, Virginia Research and Technology Advisory Commission, 1001 E. Broad St., Suite 430, Richmond, VA 23219, telephone (804) 371-2346, FAX (804) 371-2347, email gma2n@virginia.edu.

## GEORGE MASON UNIVERSITY

† **November 1, 2006 - 11:30 a.m.** -- Open Meeting  
George Mason University, Fairfax Campus, Mason Hall, Room D3B, Fairfax, Virginia. 

A World Class Committee working session..

**Contact:** Mary Roper, Secretary pro tem, George Mason University, MSN 3A1, 4500 University Drive, Fairfax, VA, telephone (703) 993-8703, FAX (703) 993-8707, email mroper@gmu.edu.

**December 6, 2006 - 9 a.m.** -- Open Meeting  
Fairfax Campus, Mason Hall, Fairfax, Virginia. 

A meeting of the Board of Visitors. Agenda items will be posted 10 days prior to the meeting.

**Contact:** Mary Roper, Secretary Pro Tem, George Mason University, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, toll-free (703) 993-8707, email mroper@gmu.edu.

## OFFICE OF GOVERNOR

### Olmstead Community Integration Implementation Team

**December 19, 2006 - 1 p.m.** -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Julie A. Stanley, Director, Community Integration for People with Disabilities, Office of Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 371-0828, FAX (804) 786-6984, email julie.stanley@governor.virginia.gov.

## STATE BOARD OF HEALTH

**November 9, 2006 - 7 p.m.** -- Public Hearing  
Henrico Training Center, 7701 East Parham Road, Rooms 2031 and 2032, Richmond, Virginia.

**December 18, 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 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide regulations and standards for site specific management practices, including nutrient management plans for land applying Class B sewage sludge in the Commonwealth, and to provide for resolving disputes

---

# Calendar of Events

---

concerning permit compliance that may arise between land  
appliers and local governments.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

**Contact:** C.M. Sawyer, Division Director, Department of  
Health, 109 Governor St., 5th Floor, Richmond, VA 23219,  
telephone (804) 864-7463, FAX (804) 864-7475 or email  
cal.sawyer@vdh.virginia.gov.

\*\*\*\*\*

**November 10, 2006** - Public comments may be submitted  
until this date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the State Board of Health intends to  
amend regulations entitled **12 VAC 5-585, Biosolids Use  
Regulations**. The purpose of the proposed action is to  
provide regulations and standards for training, testing and  
certification of persons land applying Class B sewage  
sludge (biosolids) in the Commonwealth, and for revoking,  
suspending or denying such certification from any person  
for cause. The amended regulations are to include standards  
and criteria for the approval of instructional programs to be  
taught by governmental entities and by the private sector  
for the purpose of certifying biosolids land applicators.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

**Contact:** C.M. Sawyer, Division Director, Department of  
Health, 109 Governor St., 5th Floor, Richmond, VA 23219,  
telephone (804) 864-7463, FAX (804) 864-7475 or email  
cal.sawyer@vdh.virginia.gov.

\*\*\*\*\*

**November 18, 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  
repeal regulations entitled **12 VAC 5-40, Regulations  
Governing Financial Assistance for Emergency Medical  
Services**, and amend regulations entitled **12 VAC 5-31,  
Virginia Emergency Medical Services Regulations**. The  
purpose of the proposed action is to adopt regulations for  
designation of regional EMS councils and revise  
regulations regarding the Rescue Squad Assistance Fund  
(RSAF) combining them with all regulations governing  
EMS in Virginia.

Statutory Authority: §§ 32.1-12, 32.1-111.4 and 32.1-111.11  
of the Code of Virginia.

**Contact:** Michael D. Berg, Manager, Regulation and  
Compliance, Department of Health, 109 Governor St, UB-55,  
Richmond, VA 23219, telephone (804) 864-7615, FAX (804)  
864-7580, toll-free 1-800-523-6019 or email  
michael.berg@vdh.virginia.gov.

## DEPARTMENT OF HEALTH

**November 1, 2006 - 1 p.m.** -- Open Meeting  
December 10, 2006 - 1 p.m. -- Open Meeting  
Holiday Inn Tanglewood, 4468 Starkey Road SW, Roanoke,  
Virginia. 

**November 2, 2006 - 10:30 a.m.** -- Open Meeting  
Northern Virginia Regional Commission, 3060 Williams  
Drive, Suite 510, Fairfax, Virginia. 

A meeting to solicit public comment for the Virginia  
Department of Health use of Ryan White CARE Act Title  
II funds during the 2007-2008 grant year and issues,  
barriers and emerging risk behaviors related to HIV  
prevention. Check the Commonwealth Calendar for  
additional public hearings in other regions of the  
Commonwealth.

**Contact:** Ben Alonso, Health Care Planner, Department of  
Health, 109 Governor St., Room 326, Richmond, VA 23219,  
telephone (804) 864-8022, FAX (804) 864-8050, email  
ben.alonso@vdh.virginia.gov.

† **November 8, 2006 - 10 a.m.** -- Open Meeting  
State Corporation Commission, 1300 East Main Street,  
Richmond, Virginia. 

A meeting to discuss hemophilia related issues, statistics and  
reports. Other matters for discussion are not yet  
determined.

**Contact:** Jan Kuhn/Tamara Quarles, Program Nurse  
Manager/Program Specialist, Department of Health, P.O. Box  
980461, Richmond, VA 23298, telephone (804) 827-3306,  
FAX (804) 692-0291, toll-free (866) 228-2516, email  
jgkuhn@mail2.vcu.edu or tsquarles@vcu.edu.

**November 16, 2006 - 9 a.m.** -- Open Meeting  
Department of Health, 109 Governor Street, 5th Floor,  
Conference Room, Richmond, Virginia.  
Will also be scheduled in remote locations via video  
conference.

A meeting of the Authorized Onsite Soil Evaluator  
Regulations Advisory Committee to make  
recommendations to the commissioner regarding AOSE/PE  
policies and programs.

**Contact:** Dwayne Roadcap, Program Manager, Department  
of Health, 109 Governor St., Richmond, VA 23219,  
telephone (804) 864-7462, FAX (804) 864-7476, email  
dwayne.roadcap@vdh.virginia.gov.

November 17, 2006 - 10 a.m. -- Open Meeting

**December 15, 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  
Regulations 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) 864-7476, email don.alexander@vdh.virginia.gov.

**December 8, 2006 - 10 a.m.** -- Open Meeting  
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 

A meeting of the Virginia Early Hearing Detection and Intervention Program Advisory Committee to assist the Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program. Public comment will not be received.

**Contact:** Pat Dewey, M.Ed., Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7713, email pat.dewey@vdh.virginia.gov.

**December 14, 2006 - 10 a.m.** -- Open Meeting  
Virginia Association of Volunteer Rescue Squads, 2535 Turkey Creek Road, Oilville, Virginia. 

A regular meeting for the Regulation and Policy Committee for the EMS Advisory Board.

**Contact:** Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email michael.berg@vdh.virginia.gov.

## BOARD FOR HEARING AID SPECIALISTS

**November 15, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. 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 Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email hearingaidspec@dpwr.virginia.gov.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**November 8, 2006 - 10:30 a.m.** -- Open Meeting  
State Council of Higher Education for Virginia, 101 North 14th Street, Richmond, Virginia.

An Institutional Performance Standards (IPS) subcommittee meeting.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leannrung@schev.edu.

**November 13, 2006 - 9:30 a.m.** -- Open Meeting  
Richmond Omni, 100 South 12th Street, Richmond, Virginia.

A special meeting to review and approve the institutional performance standards.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leannrung@schev.edu.

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **November 16, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia.

A meeting of the Community Development Codes and Standards Committee to discuss building and fire code updates and national model codes.

**Contact:** Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , email steve.calhoun@dhcd.virginia.gov.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### State Building Code Technical Review Board

† **November 17, 2006 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

The State Building Code Technical Review Board hears appeals from application of the department's building and fire regulations, typically after an appeal has been heard by a local government appeals board. The board also makes recommendations to the Board of Housing and Community Development for amendments to the regulations.

---

# Calendar of Events

---

**Contact:** Vernon Hodge, Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7150.

## DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

**December 16, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Human Resource Management intends to adopt regulations entitled **1 VAC 55-30, Long-Term Care Program**. The purpose of the proposed action is to establish regulations used by the Department of Human Resource Management in the administration of the long-term care plan for state employees, retirees and terminated vested participants of the Virginia Retirement System, as well as employees of local governments that have chosen to offer the plan. The regulations define eligibility and underwriting provisions, as well as establish distinct insurance classifications for participants.

Statutory Authority: §§ 2.2-1207 and 2.2-1208 of the Code of Virginia.

**Contact:** Charles Reed, Associate Director, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-2505, email [charles.reed@dhrm.virginia.gov](mailto:charles.reed@dhrm.virginia.gov).

## VIRGINIA COUNCIL ON HUMAN RESOURCES

**December 14, 2006 - 9:30 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, PDS 4, Richmond, Virginia.

A quarterly meeting.

**Contact:** Charles Reed, Associate Director, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-2505, email [charles.reed@dhrm.virginia.gov](mailto:charles.reed@dhrm.virginia.gov).

## VIRGINIA INFORMATION TECHNOLOGIES AGENCY

† **November 8, 2006 - 9 a.m.** -- Open Meeting  
† **November 15, 2006 - 9 a.m.** -- Open Meeting  
† **December 6, 2006 - 9 a.m.** -- Open Meeting  
† **December 20, 2006 - 9 a.m.** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Council on Technology Services Mobile Workforce Workgroup.

**Contact:** Mike Hammel, Enterprise Architect, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA 23219, telephone (804) 225-4016, email [mike.hammel@vita.virginia.gov](mailto:mike.hammel@vita.virginia.gov).

## Wireless E-911 Services Board

**November 8, 2006 - 10 a.m.** -- Open Meeting  
Richmond Plaza Building, 110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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, email [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

## JAMESTOWN-YORKTOWN FOUNDATION

**November 20, 2006 - 10 a.m.** -- Open Meeting  
November 21, 2006 - 8 a.m. -- Open Meeting  
Crowne Plaza Fort Magruder, 6945 Pocahontas Trail, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

The semiannual two-day Board of Trustees meeting. Public comment will be received on the second day of the meeting. Contact the Foundation for a schedule.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY, email [laura.bailey@jyf.virginia.gov](mailto:laura.bailey@jyf.virginia.gov).

**December 6, 2006 - 2 p.m.** -- Open Meeting  
Richmond, Virginia. (call 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 W. Francis St., Williamsburg, VA 23185, telephone (757) 253-4253, FAX (757) 253-4950, email [judith.leonard@jyf.virginia.gov](mailto:judith.leonard@jyf.virginia.gov).

## STATE BOARD OF JUVENILE JUSTICE

**November 8, 2006 - 9 a.m.** -- Open Meeting  
Shenandoah Valley Juvenile Detention Home, 300 Technology Drive, Staunton, Virginia.

Meeting details will be provided closer to the meeting date.

**Contact:** Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773.

## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council

**December 14, 2006 - 10 a.m.** -- Open Meeting  
Confederate Hills Recreation Building, 302 Lee Avenue,  
Highland Springs, Virginia. 

A regular business meeting.

**Contact:** Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , email [bgd@doli.state.va.us](mailto:bgd@doli.state.va.us).

### LIBRARY BOARD

**November 13, 2006 - 10:30 a.m.** -- Open Meeting  
† **January 19, 2007 - 10:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond,  
Virginia. 

A meeting to discuss matters pertaining to the Library of Virginia and the Library Board.

**Contact:** Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3525, FAX (804) 692-3594, (804) 692-3976/TTY , email [jtaylor@lva.lib.va.us](mailto:jtaylor@lva.lib.va.us).

### COMMISSION ON LOCAL GOVERNMENT

**November 14, 2006 - 10 a.m.** -- Open Meeting  
The Homestead, Chesapeake Room, Bath County, Virginia. 

A regular business meeting held in conjunction with the annual conference of the Virginia Association of Counties.

**Contact:** Barbara Johnson, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7024, FAX (804) 371-7090, email [barbara.johnson@dhcd.virginia.gov](mailto:barbara.johnson@dhcd.virginia.gov).

### BOARD OF LONG-TERM CARE ADMINISTRATORS

† **October 31, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. 

A joint meeting of the board and the task force to consider the public comment received on proposed regulations and to make recommendations to the board about modifying the regulations in response to public comment. There will be a public comment period at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-

7457, FAX (804) 662-9943, (804) 662-7197/TTY , email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

NOTE: CHANGE IN MEETING TIME

**October 31, 2006 - 9:45 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 15-minute public comment period at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY , email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

### LONGWOOD UNIVERSITY

**November 1, 2006 - 10 a.m.** -- Open Meeting  
The Martin Agency, One Shockoe Plaza, Richmond,  
Virginia. 

A meeting to conduct routine business of the Board of Visitors' Executive Committee.

**Contact:** Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

### MARINE RESOURCES COMMISSION

NOTE: CHANGE IN MEETING DATE

**October 31, 2006 - 9:30 a.m.** -- Open Meeting  
**November 28, 2006 - 9:30 a.m.** -- Open Meeting  
**December 19, 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 , email [jane.mccroskey@mrc.virginia.gov](mailto:jane.mccroskey@mrc.virginia.gov).

### BOARD OF MEDICAL ASSISTANCE SERVICES

**December 12, 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,

---

# Calendar of Events

---

Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ☎, email nancy.malczewski@dmas.virginia.gov.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**November 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 Medical Assistance Services intends to amend regulations entitled **12 VAC 30-110, Eligibility and Appeals**. The purpose of the proposed action is to update the appeals regulations to reflect current practice.

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

**Contact:** Mahalia McGill-Arnold, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1531, FAX (804) 786-1680 or email mahalia.arnold@dmas.virginia.gov.

\*\*\*\*\*

**November 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 Medical Assistance Services intends to amend regulations entitled **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to revise and update the MEDALLION regulations to address several operational and waiver changes in the MEDALLION program.

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

**Contact:** Vivian Horn, Managed Care Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6060, FAX (804) 786-1680 or email vivian.horn.@dmas.virginia.gov.

† **November 8, 2006 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 7th Floor, Richmond, Virginia. ♿

A meeting of the Medical Transportation Advisory Committee to discuss Medicaid transportation issues with the committee and the community.

**Contact:** Bob Knox, Transportation Manager, 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 ☎, email robert.knox@dmas.virginia.gov.

**November 9, 2006 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East 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 committee.

**Contact:** Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, (800) 343-0634/TTY ☎, email katina.goodwyn@dmas.virginia.gov.

## BOARD OF MEDICINE

**November 2, 2006 - 9:30 a.m.** -- Open Meeting  
Holiday Inn Express, 3315 Ordway Drive, Roanoke, Virginia. ♿

**November 7, 2006 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ♿

**November 15, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

**November 29, 2006 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, 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, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, email renee.dixon@dhp.virginia.gov.

**December 8, 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 ☎, email william.harp@dhp.virginia.gov.

**December 8, 2006 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia.☎

A meeting of the Ad Hoc Committee on Competency to discuss the elements involved in initial competency. Public comment will be received on agenda items 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 ☎, email william.harp@dhp.virginia.gov.

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**November 8, 2006 - 4 p.m.** -- Public Hearing  
Henrico Area Mental Health and Mental Retardation Services, 10299 Woodman Road, Conference Room C, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

**November 9, 2006 - 6 p.m.** -- Public Hearing  
Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.☎ (Interpreter for the deaf provided upon request)

**November 17, 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 Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled **12 VAC 35-115, Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to clarify terminology and procedures and align outdated provisions with applicable federal and state laws.

Statutory Authority: §§ 32.2-203 and 37.2-400 of the Code of Virginia.

**Contact:** Margaret Walsh, Director of the Office of Human Rights, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988, FAX (804) 371-2308, email margaret.walsh@co.dmhmr.sas.virginia.gov.

## Virginia Mental Health Planning Council

**December 6, 2006 - 10 a.m.** -- Open Meeting  
Henrico CSB, 10299 Woodman Road, Conference Room C, Glen Allen, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review MHBG plan, review MHBG Implementation Report, develop 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, email will.ferriss@co.dmhmr.sas.virginia.gov.

## STATE MILK COMMISSION

**December 13, 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 meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

**Contact:** Rodney Phillips, Administrator, State Milk Commission, 102 Governor St., Room 205, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, email rodney.phillips@vdacs.virginia.gov.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**November 3, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the 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 revise references to sections in the Virginia Administrative Process Act to reflect the renumbering that became effective October 1, 2001; provide direction as to where requests for formal administrative review and notices of judicial appeal shall be filed; maintain consistency with corresponding federal amendments regarding survey requirements and the rebuttable presumption of subsidence determinations; maintain consistency with federal regulations regarding thick overburden; and increase the civil penalties for

---

# Calendar of Events

---

violations of the Virginia Coal Surface Mining Control and Reclamation Act that result in personal injury or fatality.

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

**Contact:** Gavin Bledsoe, Legal Services Officer, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219-0900, telephone (276) 523-8157, FAX (276) 523-8163, or email [gavin.bledsoe@dmme.virginia.gov](mailto:gavin.bledsoe@dmme.virginia.gov).

## MOTOR VEHICLE DEALER BOARD

† **November 13, 2006 - 8:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.  
Licensing Committee - Immediately following Dealer Practices  
Advertising Committee - 9:30 a.m. or immediately after Licensing, whichever is later  
Transaction Recovery Fund Committee - Immediately following Advertising  
Franchise Law Committee - To be scheduled as needed.  
Full board meeting - 10 a.m. or five to 45 minutes following Transaction Recovery Fund

NOTE: Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, email [dboard@mvdb.virginia.gov](mailto:dboard@mvdb.virginia.gov).

## VIRGINIA MUSEUM OF FINE ARTS

NOTE: CHANGE IN MEETING DATE

**November 8, 2006 - 8 a.m.** -- Open Meeting

**December 5, 2006 - 8 a.m.** -- Open Meeting

**January 2, 2007 - 8 a.m.** -- Open Meeting

Virginia Museum of Fine Arts, The Pauley Center, 200 North Boulevard, Dining Room, Richmond, Virginia. 

A meeting for staff to update the Executive Committee. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

† **November 14, 2006 - 10 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, The Pauley Center, 200 North Boulevard, Library, Richmond, Virginia. 

A meeting of the Art Acquisitions Subcommittee for staff to update the committee in closed session. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

† **November 15, 2006 - 8:45 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, The Pauley Center, 200 North Boulevard, Richmond, Virginia. 

The following committees will meet for staff updates:

8:45 a.m. - Museum Expansion - Parlor  
11 a.m. - Artistic Oversight - Parlor  
1:15 p.m. - Government Affairs - Dining Room

Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

† **November 16, 2006 - 9:30 a.m.** -- Open Meeting  
University of Mary Washington, Hanover Street, Alumni Center Board Room, Fredericksburg, Virginia. 

A meeting of the Fiscal Oversight Committee 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 , email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

† **November 16, 2006 - 11 a.m.** -- Open Meeting  
University of Mary Washington, Hanover Street, Alumni Center Board Room, Fredericksburg, Virginia. 

A meeting for staff to update the board. Part of the meeting will be held in closed session. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

**VIRGINIA MUSEUM OF NATURAL HISTORY**

† **November 3, 2006 - 4 p.m.** -- Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue,  
Martinsville, Virginia. ☎

Orientation of newly appointed board members to be lead  
by the executive director and chairman of the board.

**Contact:** Cindy Gray, Director's Assistant, Virginia Museum  
of Natural History, 1001 Douglas Ave., Martinsville, VA  
24112, telephone (276) 666-8616, FAX (276) 632-6487,  
(276) 666-8638/TTY ☎, email  
cindy.gray@vmnh.virginia.gov.

† **November 4, 2006 - 8 a.m.** -- Open Meeting  
Quality Inn/Dutch Inn, 2360 Virginia Avenue, Collinsville,  
Virginia. ☎

A meeting of the Research and Collections and Strategic  
Planning Committees to discuss departmental issues.

**Contact:** Cindy Gray, Director's Assistant, Virginia Museum  
of Natural History, 1001 Douglas Ave., Martinsville, VA  
24112, telephone (276) 666-8616, FAX (276) 632-6487,  
(276) 666-8638/TTY ☎, email  
cindy.gray@vmnh.virginia.gov.

† **November 4, 2006 - 10 a.m.** -- Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue,  
Martinsville, Virginia. ☎

A Board of Trustees meeting to include reports from all  
standing board committees.

**Contact:** Cindy Gray, Director's Assistant, Virginia Museum  
of Natural History, 1001 Douglas Ave., Martinsville, VA  
24112, telephone (276) 666-8616, FAX (276) 632-6487,  
(276) 666-8638/TTY ☎, email  
cindy.gray@vmnh.virginia.gov.

**BOARD OF NURSING**

**November 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 Boards of Nursing and Medicine  
intend to amend regulations entitled **18 VAC 90-30,  
Regulations Governing the Licensure of Nurse  
Practitioners**. The purpose of the proposed action is to  
clarify the duration of a provisional license granted to an  
applicant for licensure as a nurse practitioner pending the  
results of the required national certifying examination for  
consistency with the current practice of electronic testing.  
Copies of the board's regulation may be found on the  
board's website at <http://dhp.virginia.gov/nursing/>.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code  
of Virginia.

Public comments may be submitted until 5 p.m. on November  
3, 2006, to Jay P. Douglas, R.N., Executive Director, Board  
of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor,  
Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator,  
Department of Health Professions, 6603 W. Broad St.,  
Richmond, VA 23230, telephone (804) 662-9918, FAX (804)  
662-9114 or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**November 13, 2006 - 9 a.m.** -- Open Meeting  
**November 15, 2006 - 9 a.m.** -- Open Meeting  
**November 16, 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 ☎, email  
[nursebd@dhp.virginia.gov](mailto:nursebd@dhp.virginia.gov).

**November 14, 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 ☎, email  
[jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

\*\*\*\*\*

**November 14, 2006 - 11:30 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 2, Richmond, Virginia. ☎

**December 15, 2006** - Public comments may be submitted  
until this date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the Board of Nursing intends to  
amend regulations entitled **18 VAC 90-25, Regulations  
Governing Certified Nurse Aides**. The purpose of the  
proposed action is to clarify the intent and/or language in  
the regulation relating to nurse aide education and to add to  
the grounds for unprofessional conduct to include  
providing false information to staff or board members in  
the course of an investigation or proceeding. There is also a

---

## Calendar of Events

---

proposed new rule that a certificate holder can only petition the board one time for removal of a finding of abuse.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until December 15, 2006, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**November 30, 2006 - 9 a.m.** -- Open Meeting

**December 1, 2006 - 9 a.m.** -- Open Meeting

**December 4, 2006 - 9 a.m.** -- Open Meeting

**December 5, 2006 - 9 a.m.** -- Open Meeting

**December 7, 2006 - 9 a.m.** -- Open Meeting

**December 12, 2006 - 9 a.m.** -- Open Meeting

**December 13, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, 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 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , email [nursebd@dhp.virginia.gov](mailto:nursebd@dhp.virginia.gov).

### JOINT BOARDS OF NURSING AND MEDICINE

**December 6, 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 , email [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

### OLD DOMINION UNIVERSITY

**November 20, 2006 - Noon** -- Open Meeting

Old Dominion University, Webb University Center, Old Norfolk, Virginia. 

A quarterly meeting of the governing board of the institution to discuss business of the board and the

institution as determined by the rector and the president. Public comment will not be received by the board.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email [dmeeks@odu.edu](mailto:dmeeks@odu.edu).

**December 8, 2006 - 1:30 p.m.** -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia. 

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email [dmeeks@odu.edu](mailto:dmeeks@odu.edu).

### BOARD OF OPTOMETRY

**November 1, 2006 - 10 a.m.** -- Open Meeting

Alcoa Building, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. 

The Continuing Education Committee will meet to review public comment received in response to a Notice of Intended Regulatory Action and consider proposed regulatory amendments to the CE regulations. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , email [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

### BOARD FOR OPTICIANS

**December 8, 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 interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-

4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, email [opticians@dpor.virginia.gov](mailto:opticians@dpor.virginia.gov).

## VIRGINIA OUTDOORS FOUNDATION

**November 15, 2006 - 1 p.m.** -- Open Meeting

**November 16, 2006 - 9 a.m.** -- Open Meeting

Location to be announced; Charlottesville, Virginia area.

A meeting for policy and easement consideration. 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, email [tcleary@vofonline.org](mailto:tcleary@vofonline.org).

## BOARD OF PHARMACY

**October 31, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comment will not be received.

**Contact:** Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, email [scotti.russell@dhp.virginia.gov](mailto:scotti.russell@dhp.virginia.gov).

**December 13, 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, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, email [scotti.russell@dhp.virginia.gov](mailto:scotti.russell@dhp.virginia.gov).

## POLYGRAPH EXAMINERS ADVISORY BOARD

**December 7, 2006 - 11 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. 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:** Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY ☎, email [kevin.hoeft@dpor.virginia.gov](mailto:kevin.hoeft@dpor.virginia.gov).

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**November 13, 2006 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor Conference Room, Richmond, Virginia. ♿

A quarterly meeting.

**Contact:** Mark Courtney, Executive Director, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, email [mark.courtney@dpor.virginia.gov](mailto:mark.courtney@dpor.virginia.gov).

## DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**November 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 Professional and Occupational Regulation intends to amend regulations entitled **18 VAC 120-40, Virginia Professional Boxing and Wrestling Events Regulations**. The purpose of the proposed action is to restructure the regulations to better distinguish between boxing and wrestling; incorporate general industry standards; and make other changes resulting from the department's review.

Statutory Authority: § 54.1-831 of the Code of Virginia.

**Contact:** Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or email [karen.oneal@dpor.virginia.gov](mailto:karen.oneal@dpor.virginia.gov).

\*\*\*\*\*

**December 11, 2006 - 1 p.m.** -- Public Hearing

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor Conference Room, Richmond, Virginia. ♿

**December 15, 2006** - Public comments may be submitted until this date.

---

## Calendar of Events

---

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

Statutory Authority: §§ 54.1-201 and 54.1-1802 of the Code of Virginia.

**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) 367-0674, (804) 367-9753/TTY ☎, email kevin.hoeft@dpor.virginia.gov.

### **VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD**

**December 7, 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 ☎, email janet.brown@vda.virginia.gov.

### **REAL ESTATE APPRAISER BOARD**

**October 31, 2006 - 1 p.m.** -- Open Meeting

**November 1, 2006 - 10:30 a.m.** -- Open Meeting

**November 7, 2006 - 1 p.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

Informal fact-finding conferences.

**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 ☎, email reboard@dpor.virginia.gov.

**November 7, 2006 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4 West Conference Room, Richmond, Virginia. ♿

A meeting to discuss board business.

**Contact:** 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 ☎, email reappraisers@dpor.virginia.gov.

### **REAL ESTATE BOARD**

**December 4, 2006 - 3 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Education Committee.

**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 ☎, email reboard@dpor.virginia.gov.

**December 5, 2006 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to discuss fair housing cases.

**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 ☎, email reboard@dpor.virginia.gov.

**December 5, 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 ☎, email reappraisers@dpor.virginia.gov.

### **DEPARTMENT OF REHABILITATIVE SERVICES**

**November 2, 2006 - 9 a.m.** -- Open Meeting  
Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ♿

A strategic planning meeting of the Statewide Independent Living Council. Materials are provided in alternate format if requested. The meeting will continue on November 3, 2006.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 897-7228, FAX (804) 662-7696,

toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email virginiasilc@comcast.net.

**November 4, 2006 - 8 a.m.** -- Open Meeting  
Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ♿

An executive committee meeting of the Statewide Independent Living Council. Interpreters provided upon prior request. Alternate format for materials are provided upon request.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 897-7228, FAX (804) 897-1080, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email virginiasilc@comcast.net.

**November 4, 2006 - 9 a.m.** -- Open Meeting  
Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ♿

Quarterly committee meetings of the Statewide Independent Living Council. Alternate format for materials are provided upon request.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 897-7228, FAX (804) 897-1080, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, email virginiasilc@comcast.net.

**November 5, 2006 - 9 a.m.** -- Open Meeting  
Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ♿

A quarterly Statewide Independent Living Council meeting. Public comments will be received at approximately 9:30 a.m. Alternate format for materials will be provided upon request.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 662-7071, FAX (804) 897-1080, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email virginiasilc@comcast.net.

† **January 26, 2007 - 1 p.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Rooms 103/105, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A quarterly meeting of the Virginia Brain Injury Council. Materials can be provided in alternate format upon request. Public comments will begin at approximately 1:15 p.m.

**Contact:** Kristie Chamberlain, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019,

(800) 464-9950/TTY ☎, email kristie.chamberlain@drs.virginia.gov.

## VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

NOTE: CHANGE IN MEETING TIME  
**November 14, 2006 - 1 p.m.** -- Open Meeting  
Williamsburg, Virginia.

A regular meeting.

**Contact:** Nancy Vorona, VP Research Investment, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, email nvorona@cit.org.

## SAFETY AND HEALTH CODES BOARD

**November 18, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Safety and Health Codes Board intends to adopt regulations entitled **16 VAC 25-75, General Industry Standard for Telecommunications, General, Approach Distances**, and amend regulations entitled **16 VAC 25-90-1910.268, Federal Identical General Industry Standards**. The purpose of the proposed action is to provide telecommunications employees with protection from any live electrical part in the area where such employees are working.

Statutory Authority: § 40.1-22 of the Code of Virginia.

**Contact:** John Crisanti, Policy Analyst Senior, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418 or email john.crisanti@doli.virginia.gov.

**December 6, 2006 - 10 a.m.** -- Open Meeting  
State Corporation Commission, Tyler Building, 1300 East Main Street, Courtroom A, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting to discuss selected chapters of regulations.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, email regina.cobb@doli.virginia.gov.

---

# Calendar of Events

---

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **November 15, 2006 - Noon** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. ☎

A meeting to review applications for loans submitted to the authority for approval and general business of the board. The meeting time is subject to change depending upon the board's agenda.

**Contact:** Scott E. Parsons, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, email [scott.parsons@dba.virginia.gov](mailto:scott.parsons@dba.virginia.gov).

## STATE BOARD OF SOCIAL SERVICES

**November 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 State Board of Social Services intends to repeal regulations entitled **22 VAC 40-20, Food Stamp Program - Income Conversion Method**. The purpose of the proposed action is to repeal the regulation that requires the use of income conversion to calculate weekly or biweekly income amounts to monthly amounts for the Food Stamp Program. The provision will be included in a new comprehensive Food Stamp Regulation, 22 VAC 40-601.

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

**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email [celestine.jackson@dss.virginia.gov](mailto:celestine.jackson@dss.virginia.gov).

\*\*\*\*\*

**November 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 State Board of Social Services intends to amend regulations entitled **22 VAC 40-25, Auxiliary Grants Program**. The purpose of the proposed action is to update the regulation and establish guidelines regarding requirements to participate in the Auxiliary Grants Program, minimum services to be provided, reimbursable rates and reporting requirements.

Statutory Authority: §§ 63.2-217 and 63.2-800 of the Code of Virginia.

**Contact:** Sandra Coffey, Regional Adult Services Consultant, Department of Social Services, 1604 Santa Rosa Rd., Suite

130, Richmond, VA 23229, telephone (804) 662-9784, FAX (804) 662-7023 or email [sandra.coffey@dss.virginia.gov](mailto:sandra.coffey@dss.virginia.gov).

\*\*\*\*\*

**November 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 State Board of Social Services intends to amend regulations entitled **22 VAC 40-41, Neighborhood Assistance Tax Credit Program**. The purpose of the proposed action is to ensure the availability of tax credits and their equitable distribution among approved organizations.

Statutory Authority: §§ 63.2-217 and 63.2-2002 of the Code of Virginia.

**Contact:** J. Mark Grigsby, Director, Office of Community Services, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7922, FAX (804) 726-7946, or email [james.grigsby@dss.virginia.gov](mailto:james.grigsby@dss.virginia.gov).

\*\*\*\*\*

**November 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 State Board of Social Services intends to repeal regulations entitled **22 VAC 40-540, Allowance of Telephone Costs in the Food Stamp Program**. The purpose of the proposed action is to repeal the regulation that requires the use of a standard amount for telephone expenses in determining shelter costs for the Food Stamp Program. The provision will be included in a new comprehensive Food Stamp regulation, 22 VAC 40-601.

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

**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email [celestine.jackson@dss.virginia.gov](mailto:celestine.jackson@dss.virginia.gov).

\*\*\*\*\*

**November 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 State Board of Social Services intends to repeal regulations entitled **22 VAC 40-600, Food Stamp Program - Administrative Disqualification Hearings**. The purpose of the proposed action is to repeal the regulation that establishes an administrative process to determine if an individual has committed an intentional act against the Food Stamp Program. The provisions of this

regulation will be included as part of a new comprehensive Food Stamp Regulation, 22 VAC 40-601.

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

**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email celestine.jackson@dss.virginia.gov.

\* \* \* \* \*

**November 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 State Board of Social Services intends to adopt regulations entitled **22 VAC 40-601, Food Stamp Program**. The purpose of the proposed action is to repeal three regulations that affect different aspects of the Food Stamp Program and incorporate them in a single regulation to streamline the regulatory structure for the program. The regulation will serve as a comprehensive regulation for the Food Stamp Program. The regulation addresses eligibility determination through the conversion of weekly or biweekly income to monthly amounts and using a standard amount for the basic cost for telephone services. The regulation also establishes an administrative hearing process to determine intentional program violations.

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

**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email celestine.jackson@dss.virginia.gov.

\* \* \* \* \*

**November 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 State Board of Social Services intends to amend regulations entitled **22 VAC 40-880, Child Support Enforcement Program**. The purpose of the proposed action is to update the current child support regulation impacted by 2003 and 2004 state legislation, and to amplify selected sections of the existing regulation. The current regulation encompasses all functions of the child support enforcement program including application, eligibility for services, location, paternity establishment, order establishment, enforcement, collection, distribution and case closure.

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

**Contact:** Cynthia Holdren, Program Manager, Division of Child Support Enforcement, Department of Social Services, 7 N. 8th St., 1st Floor, Richmond, VA 23219, telephone (804) 726-7474, FAX (804) 726-7482 or email cynthia.holdren@dss.virginia.gov.

## DEPARTMENT OF TAXATION

### Governor's Advisory Council on Revenue Estimates

† **November 20, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Taxation, 1111 East Broad Street, Richmond, Virginia.

A closed meeting of the Governor's Advisory Council on Revenue Estimates.

**Contact:** Carolyn Johnson, Office Manager, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-4371, FAX (804) 371-4379, email carolyn.johnson@tax.virginia.gov.

## COMMONWEALTH TRANSPORTATION BOARD

† **November 1, 2006 - 7 p.m.** -- Public Hearing  
Fairfax County Government Center (Northern Virginia District), 12000 Government Center Parkway, Fairfax, Virginia. 

† **November 2, 2006 - 6 p.m.** -- Public Hearing  
Hampton Roads Planning District Office (Hampton Roads District), 723 Woodlake Drive, Chesapeake, Virginia. 

† **November 6, 2006 - 6 p.m.** -- Public Hearing  
VDOT Fredericksburg District Office (Fredericksburg District), 87 Deacon Road, Auditorium, Fredericksburg, Virginia. 

† **November 8, 2006 - 6 p.m.** -- Public Hearing  
The Kirkley Hotel (Lynchburg District), 2900 Candler's Mountain Road, Lynchburg, Virginia.

The Commonwealth Transportation Board is holding public hearings for review and comment on candidate projects and programs for inclusion in the Fiscal Year 2008-2013 Six-Year Improvement Program (SYIP) for the Northern Virginia, Hampton Roads, Fredericksburg and Lynchburg districts, including highway, rail, bicycle, pedestrian and public transportation initiatives. Projects include interstate and primary highway improvements, as well as rail and public transportation initiatives that may be developed and funded in partnership with The Metropolitan Planning Organization (MPO). The MPO has been invited to answer questions about regional transportation programs. All SYIP projects eligible for federal funding will be included in the Statewide Transportation Improvement

---

## Calendar of Events

---

Program, which documents how Virginia will obligate its federal funds. Details on the current SYIP can be accessed from the VDOT agency website. If you cannot attend, send your comments on rail and public transportation to Public Information Officer, DRPT, 13 E. Main St., Suite 300, Richmond VA 23219, or drptpr@drpt.virginia.gov. Comments on highway projects can be sent to Programming Director, VDOT, 1401 E. Broad St., Richmond, VA 23219, or six-yearprogram@vdot.virginia.gov up to 10 calendar days after the meeting.

**Contact:** Donna Purcell Mayes, Assistant Director for Outreach, Department of Transportation, Office of Public Affairs, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2717, email donna.mayes@vdot.virginia.gov.

### TREASURY BOARD

**November 15, 2006 - 9 a.m.** -- Open Meeting  
101 North 14th Street, 3rd Floor, Richmond, Virginia. ♿

A regular meeting.

**Contact:** J. Braxton Powell, Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23218, telephone (225) 225-2142, FAX (225) 225-3187, email braxton.powell@trs.virginia.gov.

### DEPARTMENT OF VETERANS SERVICES

#### Board of Veterans Services

**January 8, 2007 - 1 p.m.** -- Open Meeting  
American Legion Department of Virginia, 1708 Commonwealth Avenue, 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, email rhonda.earman@dvs.virginia.gov.

### BOARD OF VETERINARY MEDICINE

**† November 15, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Classroom Level, Classroom A, Richmond, Virginia. ♿

A meeting to adopt a NOIRA for public participation guidelines regulatory review, and conduct formal hearings and other board business as needed

**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 ☎, email elizabeth.carter@dhp.virginia.gov.

**† November 16, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

Informal hearings (disciplinary hearings). Public comment will not be received.

**Contact:** 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 ☎, email elizabeth.carter@dhp.virginia.gov.

### VIRGINIA WASTE MANAGEMENT BOARD

**† December 11, 2006 - 1 p.m.** -- Public Hearing  
Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia.

**January 9, 2007** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled **9 VAC 20-130, Solid Waste Planning and Recycling Regulations**. The purpose of the proposed action is to revise the calculation of the mandatory recycling rate for localities and region revise the procedures for formation and dissolution of planning regions, clearly specify qualifications for variances, revise the requirements for plan approval, and eliminate duplicative language on the waste information and assessment program.

The board is seeking comments from the general public about whether to retain a provision for converting volumes to weight in tons as a method for expressing amounts in the recycling rate formula (proposed 9 VAC 20-130-125 B 2). This provision has been used in the past by small businesses that do not maintain weight scales at the solid waste management facility. Also, the board is seeking comments from the general public about whether to retain a provision allowing estimation of tonnage of recycling rate amounts on the basis of survey data on a case-by-case basis (existing 9 VAC 20-130-120 C 1 c).

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal and on any impacts of the regulation on farm and forest land preservation. Also, the board 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 for the public comment file may do so at the public hearing or by mail, email or fax to Allen R. Brockman, P.O. Box 10009, Richmond, Virginia 23240-0009, telephone (804) 698-4468, FAX (804) 698-4327 and [arbrockman@deq.virginia.gov](mailto:arbrockman@deq.virginia.gov); comments must include the name and address of the commenter. In order to be considered comments must be received by 5 p.m. on the date established as the close of the comment period. Both oral and written comments may be submitted at the public hearing.

Statutory Authority: § 10.1-1411 of the Code of Virginia

**Contact:** Allen Brockman, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4468, FAX (804) 698-4327, or email [arbrockman@deq.virginia.gov](mailto:arbrockman@deq.virginia.gov).

## STATE WATER CONTROL BOARD

**November 7, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of a workgroup assisting in the development of implementation guidance for nonpoint source nutrient reductions, which are intended to offset new and expanded point source discharges of total nitrogen and total phosphorus in the Chesapeake Bay Watershed.

**Contact:** Kyle Winter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4182, FAX (804) 698-4032, email [kiwinter@deq.virginia.gov](mailto:kiwinter@deq.virginia.gov).

**November 9, 2006 - 2 p.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting to discuss the use of the Virginia Clean Water Revolving Loan Fund for FY 2007. Section 606(c) of the Water Quality Act of 1987 requires the Department of Environmental Quality (DEQ) to develop an annual plan that identifies the intended use of its revolving loan funds for construction of publicly owned wastewater treatment facilities and other clean water projects, including the development of a project priority list. The Act also requires that a list of projects targeted for financial assistance with those funds be developed each year. The Intended Use Plan for FY 2007 and FY 2007 draft list of targeted loan recipients are open to public comment. The public comment and review period will end at the conclusion of the meeting.

**Contact:** Walter A. Gills, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone

(804) 698-4133, FAX (804) 698-4136, email [wagills@deq.virginia.gov](mailto:wagills@deq.virginia.gov).

**December 1, 2006 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee to be established to assist in the development of amendments to the water quality standards. The notice of intent appears in the Virginia Register of Regulations on September 18, 2006.

**Contact:** Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, email [emdaub@deq.virginia.gov](mailto:emdaub@deq.virginia.gov).

**† December 5, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the advisory committee assisting in the development of a proposed regulation for water reclamation and reuse.

**Contact:** Valerie Rourke, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4158, FAX (804) 698-4116, email [varourke@deq.virginia.gov](mailto:varourke@deq.virginia.gov).

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**November 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 Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled **18 VAC 160-20, Board for Waterworks and Wastewater Works Operators Regulations**. The purpose of the proposed action is to delete current language providing for a paper and pencil examination and add language that provides for a computer-administered examination as well as language enabling applicants to apply directly to the examination vendor rather than to the board to sit for the examination. The vendor will, in consultation with board staff, determine applicant eligibility to sit for the examination. Those passing the examination must apply to the board for licensure. The amendments will replace the current single application to sit for the examination and become licensed with a separate application to sit for the examination and a separate application for license. Under the proposed amendments, applicants will be able to qualify to sit for the examination and become licensed in a much shorter period of time.

---

# Calendar of Events

---

Statutory Authority: §§ 54.1-201 and 54.1-2301 of the Code of Virginia.

**Contact:** David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2648, FAX (804) 367-6128 or email [waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov).

**December 6, 2006 - 8:30 a.m. -- Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Board 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 , email [waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov).

## INDEPENDENT

### VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

**December 11, 2006 - 11 a.m. -- Open Meeting**  
VOPA Office, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Finance and Resource Development Committee. Public comment is welcomed by the Finance and Resource Development Committee and will be received beginning at 11 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than Monday, November 27, 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 Monday, November 27, 2006.

**Contact:** Lisa Shehi, Executive Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , email [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

**December 13, 2006 - 10 a.m. -- Open Meeting**  
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A regular meeting of the Disabilities Advisory Council. Public comment is welcomed by the council and will be received beginning at 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, call Tracy Manley, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [tracy.manley@vopa.virginia.gov](mailto:tracy.manley@vopa.virginia.gov) no later than November 29, 2006. Ms. Manley 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. Manley no later than November 29, 2006.

**Contact:** Tracy Manley, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , email [tracy.manley@vopa.virginia.gov](mailto:tracy.manley@vopa.virginia.gov).

**† January 30, 2007 - 9 a.m. -- Open Meeting**  
VOPA Office, 1910 Byrd Avenue, Suite 5, Richmond, 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. on January 30, 2007. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than January 16, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than January 16, 2007.

**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 , email [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

### PAIMI Advisory Council

**November 16, 2006 - 10 a.m. -- Open Meeting**  
Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

Public comment is welcome and will be received at the beginning of the meeting. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than November 2, 2006.

**Contact:** Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 662-7213, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, email [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

## VIRGINIA RETIREMENT SYSTEM

**November 8, 2006 - 1:30 p.m.** -- Open Meeting  
**December 13, 2006 - 1:30 p.m.** -- Open Meeting  
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Benefits and Actuarial Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [lking@varetire.org](mailto:lking@varetire.org).

**November 8, 2006 - 3 p.m.** -- Open Meeting  
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia.

A meeting of the Audit and Compliance Committee.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [lking@varetire.org](mailto:lking@varetire.org).

**November 9, 2006 - 1 p.m.** -- Open Meeting  
**December 14, 2006 - 1 p.m.** -- Open Meeting  
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

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

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [lking@varetire.org](mailto:lking@varetire.org).

**November 9, 2006 - 9 a.m.** -- Open Meeting  
**December 14, 2006 - 9 a.m.** -- Open Meeting  
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A regular 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 ☎, email [lritchey@varetire.org](mailto:lritchey@varetire.org).

**December 12, 2006 - Noon** -- Open Meeting  
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Optional Retirement Plan for Higher Education Committee. No public comment will be received at the meeting.

**Contact:** Patty Atkins-Smith, Legislative Liaison and Policy Analyst, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3123, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [psmith@varetire.org](mailto:psmith@varetire.org).

## LEGISLATIVE

### VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION

† **November 9, 2006 - 10 a.m.** - Open Meeting  
Pamplin Historical Park, Education Center, Petersburg, Virginia.

A regular meeting. For questions regarding the meeting agenda please contact Brenda Edwards or Cheryl Jackson, Division of Legislative Services at (804) 786-3591.

**Contact:** Scott Maddrea, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

### HOUSE APPROPRIATIONS COMMITTEE

**November 13, 2006 - TBA** - Open Meeting  
**November 14, 2006 - TBA** - Open Meeting  
General Assembly Building, 9th and Broad Streets, 9th Floor, Richmond, Virginia. ♿

A regular meeting.

**Contact:** Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

### COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES SUBCOMMITTEE

† **October 31, 2006 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Ellen Weston, Division of Legislative Services at (804) 786-3591.

---

## Calendar of Events

---

**Contact:** Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

### JOINT SUBCOMMITTEE STUDYING OPERATIONS OF CIRCUIT COURT CLERKS' OFFICES

† **November 8, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, please contact Mary Kate Felch, Division of Legislative Services at (804) 786-3591. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, at least seven days prior to the meeting.

**Contact:** Rich Fiorella, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

### VIRGINIA CODE COMMISSION

**November 9, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A regularly scheduled meeting.

**Contact:** Jane D. Chaffin, Registrar of Regulations, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, email [jchaffin@leg.state.va.us](mailto:jchaffin@leg.state.va.us).

### VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

† **December 15, 2006 - 1 p.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia. 

The final meeting of the Freedom of Information Advisory Council in 2006. The meeting will include the annual legislative preview.

**Contact:** Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, General Assembly Bldg., 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-8705, toll-free (866) 448-4100, email [foiacouncil@leg.state.va.us](mailto:foiacouncil@leg.state.va.us).

### JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S PROGRAM FOR PRISONER REENTRY TO SOCIETY

**November 14, 2006 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, please contact Ellen Weston, Division of Legislative Services at (804) 786-3591. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, at least seven days prior to the meeting.

**Contact:** Rich Fiorella, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

### JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

**October 31, 2006 - 1:30 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 

A meeting of JCOTS Telework and Telecommuting Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**November 30, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting. Teleconferenced site: 510 Cumberland Street, Suite 308, Bristol, Virginia. In case of technical difficulties during the meeting, contact Lisa Wallmeyer at (804) 786-3591.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

### JOINT SUBCOMMITTEE STUDYING TELEWORK OPPORTUNITIES FOR STATE AND PRIVATE SECTOR EMPLOYEES

† **November 15, 2006 - 1 p.m.** - Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agency please contact Lisa Wallmeyer, Division of Legislative Services at (804) 786-3591.

**Contact:** Lori L. Maynard, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

**VIRGINIA UNEMPLOYMENT COMPENSATION COMMISSION**

**October 30, 2006 - 2 p.m.** -- Open Meeting  
**November 14, 2006 - 2 p.m.** -- Open Meeting  
 General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ☎

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

**Contact:** Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

**CHRONOLOGICAL LIST**

**OPEN MEETINGS**

**October 30**  
 Conservation and Recreation, Department of Future, Council on Virginia's Unemployment Compensation Commission

**October 31**  
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
 † At-Risk Youth and Families Subcommittee, Comprehensive Services for  
 Chesapeake Bay Local Assistance Board  
 Conservation and Recreation, Department of Contractors, Board for  
 Environmental Quality, Department of Long-Term Care Administrators, Board for  
 Marine Resources Commission  
 Pharmacy, Board of  
 Real Estate Appraiser Board  
 Technology and Science, Joint Commission on

**November 1**  
 Asbestos, Lead, and Home Inspectors, Board for  
 Branch Pilots, Board for  
 Conservation and Recreation, Department of  
 † Education, Board of  
 Emergency Planning Committee, Local  
 - City of Winchester  
 † George Mason University  
 Health, Department of

Longwood University  
 Optometry, Board of  
 Real Estate Appraiser Board

**November 2**  
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
 Conservation and Recreation, Department of Health, Department of  
 Medicine, Board of  
 Rehabilitative Services, Department of

**November 3**  
 Art and Architectural Review Board  
 † Natural History, Virginia Museum of

**November 4**  
 † Natural History, Virginia Museum of Rehabilitative Services, Department of

**November 5**  
 Rehabilitative Services, Department of

**November 6**  
 Alcoholic Beverage Control Board  
 Barbers and Cosmetology, Board for  
 Environmental Quality, Department of

**November 7**  
 † Contractors, Board for  
 Medicine, Board of  
 Real Estate Appraiser Board  
 Water Control Board, State

**November 8**  
 † Agriculture and Consumer Services, Department of  
 - Consumer Affairs Advisory Committee  
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
 † Circuit Court Clerks' Office, Operations of  
 † Health, Department of  
 - Hemophilia Advisory Board  
 Higher Education for Virginia Council, State Council of  
 † Information Technologies Agency, Virginia  
 - E911 Wireless Service Board  
 Juvenile Justice, State Board of  
 † Medical Assistance Services, Department of  
 Museum of Fine Arts, Virginia  
 Retirement System, Virginia

**November 9**  
 † American Civic War Commission, Virginia Sesquicentennial of the  
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
 Child Day-Care Council  
 Code Commission, Virginia  
 Conservation and Recreation, Department of  
 - Board of Conservation and Recreation

---

# Calendar of Events

---

† Contractors, Board for  
Environmental Quality, Department of  
Medical Assistance Services, Department of  
Retirement System, Virginia  
Water Control Board, State

## November 13

Appropriations Committee, House  
† Conservation and Recreation, Department of  
† Forestry, Board of  
Higher Education for Virginia, State Council of  
Library Board  
† Motor Vehicle Dealer Board  
Nursing, Board of  
Professional and Occupational Regulation, Board for

## November 14

Appropriations Committee, House  
† Community Colleges, State Board for  
† Contractors, Board for  
Corrections, Board of  
† Environmental Quality, Department of  
Local Government, Commission on  
† Museum of Fine Arts, Virginia  
Nursing, Board of  
Prisoner Reentry to Society, Joint Subcommittee the  
Commonwealth's Program for  
Research and Technology Advisory Commission, Virginia  
Unemployment Compensation Commission, Virginia

## November 15

† Community Colleges, State Board for  
Compensation Board  
† Conservation and Recreation, Department of  
Corrections, Board of  
Education, Secretary of  
Hearing Aid Specialists, Board for  
† Information Technologies Agency, Virginia  
Medicine, Board of  
† Museum of Fine Arts, Virginia  
Nursing, Board of  
Outdoors Foundation, Virginia  
† Small Business Financing Authority, Virginia  
† Telework Opportunities for State and Private Sector  
Employees, Joint Subcommittee Studying  
Treasury Board  
† Veterinary Medicine, Board of

## November 16

† Community Colleges, State Board for  
† Conservation and Recreation, Department of  
- Virginia Soil and Water Conservation Board  
Design-Build/Construction Management Review Board  
† Fire Services Board, Virginia  
† Funeral Directors and Embalmers, Board of  
Health, Department of  
† Housing and Community Development, Board of  
† Museum of Fine Arts, Virginia  
Nursing, Board of

Outdoors Foundation, Virginia  
Protection and Advocacy, Virginia Office for  
- PAIMI Advisory Council  
† Veterinary Medicine, Board of

## November 17

Barbers and Cosmetology, Board for  
Child Fatality Review Team, State  
Dentistry, Board of  
Health, Department of  
† Housing and Community Development, Department of  
- State Building Code Technical Review Board

## November 20

Alcoholic Beverage Control Board  
Jamestown-Yorktown Foundation  
Old Dominion University  
† Taxation, Department of  
- Governor's Advisory Council on Revenue Estimates

## November 21

Conservation and Recreation, Department of  
Jamestown-Yorktown Foundation

## November 27

† Conservation and Recreation, Department of

## November 28

† Conservation and Recreation, Department of  
Contractors, Board for  
Marine Resources Commission

## November 29

† Conservation and Recreation, Department of  
Education, Board of  
Medicine, Board of

## November 30

† Conservation and Recreation, Department of  
Nursing, Board of  
Technology and Science, Joint Commission on

## December 1

Art and Architectural Review Board  
Dentistry, Board of  
Nursing, Board of  
Water Control Board, State

## December 4

Alcoholic Beverage Control Board  
Branch Pilots, Board for  
Nursing, Board of  
Real Estate Board

## December 5

Branch Pilots, Board for  
Charitable Gaming Board  
Museum of Fine Arts, Virginia  
Nursing, Board of  
Real Estate Board  
† Water Control Board, State

## December 6

George Mason University  
† Information Technologies Agency, Virginia  
Jamestown-Yorktown Foundation

Mental Health, Mental Retardation and Substance Abuse Services, Department of  
 Nursing and Medicine, Joint Boards of  
 Safety and Health Codes Board  
 Waterworks and Wastewater Works Operators, Board for

**December 7**

† Agriculture and Consumer Services, Board of  
 † Arts, Virginia Commission for the  
 Dentistry, Board of  
 Nursing, Board of  
 Polygraph Examiners Advisory Board  
 Public Guardian and Conservator Advisory Board

**December 8**

Dentistry, Board of  
 Health, Department of  
 Medicine, Board of  
 Old Dominion University  
 Opticians, Board for

**December 10**

Health, Department of

**December 11**

Branch Pilots, Board for  
 Chesapeake Bay Local Assistance Board  
 Medical Assistance Services, Board of  
 Protection and Advocacy, Virginia Office for

**December 12**

Nursing, Board of  
 Retirement System, Virginia

**December 13**

Milk Commission, State  
 Nursing, Board of  
 Pharmacy, Board of  
 Protection and Advocacy, Virginia Office for  
 Retirement System, Virginia

**December 14**

Conservation and Recreation, Department of  
 Health, Department of  
 Human Resources, Virginia Council on  
 Labor and Industry, Department of  
 - Virginia Apprenticeship Council  
 Retirement System, Virginia

**December 15**

Asbestos, Lead, and Home Inspectors, Virginia Board for  
 Dentistry, Board of  
 † Freedom of Information Advisory Council, Virginia  
 Future, Council on Virginia's  
 Health, Department of

**December 18**

Alcoholic Beverage Control Board

**December 19**

Contractors, Board for  
 Governor, Office of  
 - Olmstead Community Integration Implementation  
 Team

Marine Resources Commission

**December 20**

† Information Technologies Agency, Virginia

**December 21**

Design-Build/Construction Management Review Board

**January 2, 2007**

Museum of Fine Arts, Virginia

**January 8**

Department of Veterans Services  
 - Board of Veterans Services

**January 10**

Education, Board of

**January 17**

† Community Colleges, State Board for

**January 18**

† Community Colleges, State Board for

**January 19**

† Library Board, State

**January 26**

† Rehabilitative Services, Department of

**January 30**

† Protection and Advocacy, Virginia Office for

**PUBLIC HEARINGS**

**November 1**

† Transportation Board, Commonwealth

**November 2**

† Transportation Board, Commonwealth

**November 6**

† Transportation Board, Commonwealth

**November 8**

† Environmental Quality, Department of  
 Mental Health, Mental Retardation and Substance Abuse  
 Services, State Board of

† Transportation Board, Commonwealth

**November 9**

† Health, State Board of  
 Mental Health, Mental Retardation and Substance Abuse  
 Services, State Board of

**November 14**

Nursing, Board of

**November 29**

Education, Board of

**December 11**

† Barbers and Cosmetology, Board for  
 Professional and Occupational Regulation, Department of  
 † Waste Management Board, Virginia

---

## Calendar of Events

---