



Virginia Register of Regulations

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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 are cumulative for the year. 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. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

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>).

August 2007 through June 2008

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
23:24	July 18, 2007	August 6, 2007
23:25	August 1, 2007	August 20, 2007
23:26	August 15, 2007	September 3, 2007
FINAL INDEX - Volume 23		October 2007
24:1	August 29, 2007	September 17, 2007
24:2	September 12, 2007	October 1, 2007
24:3	September 26, 2007	October 15, 2007
24:4	October 10, 2007	October 29, 2007
24:5	October 24, 2007	November 12, 2007
24:6	November 7, 2007	November 26, 2007
24:7	November 20, 2007 (Tuesday)	December 10, 2007
INDEX 1 Volume 24		January 2008
24:8	December 5, 2007	December 24, 2008
24:9	December 19, 2007	January 7, 2008
24:10	January 2, 2008	January 21, 2008
24:11	January 16, 2008	February 4, 2008
24:12	January 30, 2008	February 18, 2008
24:13	February 13, 2008	March 3, 2008
24:14	February 27, 2008	March 17, 2008
INDEX 2 Volume 24		April 2008
24:15	March 12, 2008	March 31, 2008
24:16	March 26, 2008	April 14, 2008
24:17	April 9, 2008	April 28, 2008
24:18	April 23, 2008	May 12, 2008
24:19	May 7, 2008	May 26, 2008
24:20	May 21, 2008	June 9, 2008
INDEX 3 Volume 24		July 2008
24:21	June 4, 2008	June 23, 2008

*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 Fall 2006 VAC Supplement includes final regulations published through *Virginia Register* Volume 22, Issue 22, dated July 10, 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
Title 2. Agriculture			
2 VAC 5-195 (Form)	Added	23:15 VA.R. 2512	--
2 VAC 5-330-30	Amended	23:20 VA.R. 3122	7/12/07
2 VAC 5-490-10 through 2 VAC 5-490-90	Amended	23:20 VA.R. 3123-3155	5/23/07
2 VAC 5-490-15	Added	23:20 VA.R. 3130	5/23/07
2 VAC 5-490-25	Added	23:20 VA.R. 3131	5/23/07
2 VAC 5-490-31 through 2 VAC 5-490-39.6	Added	23:20 VA.R. 3132-3140	5/23/07
2 VAC 5-490-73	Added	23:20 VA.R. 3154	5/23/07
2 VAC 5-490-75	Added	23:20 VA.R. 3155	5/23/07
2 VAC 5-490-103	Added	23:20 VA.R. 3155	5/23/07
2 VAC 5-490-105	Added	23:20 VA.R. 3156	5/23/07
2 VAC 5-490-110	Amended	23:20 VA.R. 3156	5/23/07
2 VAC 5-490-120	Amended	23:20 VA.R. 3157	5/23/07
2 VAC 5-490-130	Repealed	23:20 VA.R. 3157	5/23/07
2 VAC 5-490-131 through 2 VAC 5-490-138	Added	23:20 VA.R. 3157-3162	5/23/07
2 VAC 5-490-140	Amended	23:20 VA.R. 3162	5/23/07
2 VAC 5-620-10 through 2 VAC 5-620-100	Added	23:19 VA.R. 2981-2985	7/1/07
Title 3. Alcoholic Beverages			
3 VAC 5-10-40	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-50	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-60	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-130	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-150	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-230	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-360	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-400	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-480	Amended	23:13 VA.R. 2129	5/19/07
3 VAC 5-40-20	Amended	23:13 VA.R. 2133	5/19/07
3 VAC 5-40-50	Amended	23:13 VA.R. 2134	5/19/07
3 VAC 5-60-20	Amended	23:13 VA.R. 2137	5/19/07
3 VAC 5-60-40	Amended	23:13 VA.R. 2138	5/19/07
3 VAC 5-60-80	Amended	23:13 VA.R. 2138	5/19/07
3 VAC 5-60-100	Added	23:13 VA.R. 2139	5/19/07
3 VAC 5-70-100	Amended	23:13 VA.R. 2142	5/19/07
3 VAC 5-70-150	Amended	23:13 VA.R. 2143	5/19/07
3 VAC 5-70-160	Amended	23:13 VA.R. 2143	5/19/07
3 VAC 5-70-230	Added	23:13 VA.R. 2143	5/19/07
Title 4. Conservation and Natural Resources			
4 VAC 20-70-100	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-200-10	Amended	23:11 VA.R. 1659	2/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-200-20	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-30	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-40	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-200-50	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-270-30 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-270-30	Amended	23:17 VA.R. 2737	3/30/07
4 VAC 20-270-40 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-270-40	Amended	23:17 VA.R. 2737	3/30/07
4 VAC 20-300-20 emer	Amended	23:14 VA.R. 2277	3/1/07-3/30/07
4 VAC 20-300-20	Amended	23:17 VA.R. 2738	3/30/07
4 VAC 20-310-55	Added	23:15 VA.R. 2481	3/1/07
4 VAC 20-370-10 through 4 VAC 20-370-30	Amended	23:19 VA.R. 2986	5/1/07
4 VAC 20-380-50	Amended	23:21 VA.R. 3446	10/1/07
4 VAC 20-380-60	Amended	23:21 VA.R. 3447	10/1/07
4 VAC 20-430-20	Amended	23:17 VA.R. 2738	3/30/07
4 VAC 20-430-45	Added	23:17 VA.R. 2738	3/30/07
4 VAC 20-450-30	Amended	23:17 VA.R. 2739	3/30/07
4 VAC 20-490-42	Amended	23:10 VA.R. 1540	12/21/06
4 VAC 20-490-42	Amended	23:19 VA.R. 2986	5/1/07
4 VAC 20-510-10	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-510-20	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-510-33	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-510-35	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-510-37	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-530-10 emer	Amended	23:12 VA.R. 1959	2/1/07-3/1/07
4 VAC 20-530-20 emer	Amended	23:12 VA.R. 1959	2/1/07-3/1/07
4 VAC 20-530-31 emer	Amended	23:12 VA.R. 1960	2/1/07-3/1/07
4 VAC 20-530-31	Added	23:13 VA.R. 2144	2/1/07-3/1/07
4 VAC 20-530-31	Amended	23:15 VA.R. 2482	3/1/07
4 VAC 20-530-32 emer	Amended	23:12 VA.R. 1960	2/1/07-3/1/07
4 VAC 20-530-32	Added	23:13 VA.R. 2145	2/1/07-3/1/07
4 VAC 20-530-32	Amended	23:15 VA.R. 2482	3/1/07
4 VAC 20-610-30	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-610-60	Amended	23:11 VA.R. 1662	2/1/07
4 VAC 20-620-50	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-620-60	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-620-70	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-670-15	Added	23:17 VA.R. 2739	3/30/07
4 VAC 20-670-30	Amended	23:17 VA.R. 2739	3/30/07
4 VAC 20-720-10 emer	Amended	23:19 VA.R. 2987	5/1/07-5/30/07
4 VAC 20-720-10	Amended	23:21 VA.R. 3447	5/23/07
4 VAC 20-720-20 emer	Amended	23:19 VA.R. 2987	5/1/07-5/30/07
4 VAC 20-720-40 emer	Amended	23:10 VA.R. 1540	1/1/07-1/30/07
4 VAC 20-720-50 emer	Amended	23:10 VA.R. 1541	1/1/07-1/30/07
4 VAC 20-720-60 emer	Amended	23:19 VA.R. 2988	5/1/07-5/30/07
4 VAC 20-720-60 through 4 VAC 20-720-110	Amended	23:21 VA.R. 3447-3449	5/23/07
4 VAC 20-720-70 emer	Amended	23:19 VA.R. 2989	5/1/07-5/30/07
4 VAC 20-720-90 emer	Amended	23:19 VA.R. 2989	5/1/07-5/30/07
4 VAC 20-720-105 emer	Added	23:19 VA.R. 2989	5/1/07-5/30/07
4 VAC 20-720-105	Added	23:21 VA.R. 3449	5/23/07
4 VAC 20-720-110 emer	Amended	23:19 VA.R. 2990	5/1/07-5/30/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-752-20	Amended	23:19 VA.R. 2990	5/3/07
4 VAC 20-752-30	Amended	23:19 VA.R. 2991	5/3/07
4 VAC 20-890-20	Amended	23:19 VA.R. 2991	7/1/07
4 VAC 20-890-35	Amended	23:19 VA.R. 2991	7/1/07
4 VAC 20-890-40	Amended	23:19 VA.R. 2991	7/1/07
4 VAC 20-890-45	Added	23:19 VA.R. 2992	7/1/07
4 VAC 20-900-25	Amended	23:19 VA.R. 2992	7/1/07
4 VAC 20-900-35	Amended	23:19 VA.R. 2993	7/1/07
4 VAC 20-950-40 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-40	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-47 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-47	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-47	Amended	23:17 VA.R. 2740	3/30/07
4 VAC 20-950-48.2 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-48.2	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-48	Amended	23:17 VA.R. 2740	3/30/07
4 VAC 20-1090-30	Amended	23:11 VA.R. 1663	2/1/07
4 VAC 20-1110-10 through 4 VAC 20-1110-50	Added	23:19 VA.R. 2994	5/1/07
4 VAC 20-1120-10 through 4 VAC 20-1120-50	Added	23:19 VA.R. 2994-2995	5/1/07
4 VAC 20-1120-20 emer	Amended	23:21 VA.R. 3449	5/29/07-6/28/07
4 VAC 20-1120-20	Amended	23:23 VA.R. 3871	6/28/07
4 VAC 25-20 (Forms)	Amended	23:24 VA.R. 3968	--
4 VAC 25-20-420	Amended	23:13 VA.R. 2146	4/4/07
4 VAC 25-50-10 through 4 VAC 25-50-110	Repealed	23:22 VA.R. 3696	8/8/07
4 VAC 25-130 (Forms)	Amended	23:20 VA.R. 3370-3372	--
4 VAC 25-130-700.12	Amended	23:13 VA.R. 2146	4/4/07
4 VAC 25-130-773.21	Amended	23:13 VA.R. 2147	4/4/07
4 VAC 25-130-775.11	Amended	23:13 VA.R. 2147	4/4/07
4 VAC 25-130-775.13	Amended	23:13 VA.R. 2148	4/4/07
4 VAC 25-130-777.17	Amended	23:22 VA.R. 3696	8/8/07
4 VAC 25-130-784.20	Amended	23:13 VA.R. 2148	4/4/07
4 VAC 25-130-785.25	Amended	23:16 VA.R. 2592	5/16/07
4 VAC 25-130-800.51	Amended	23:13 VA.R. 2149	4/4/07
4 VAC 25-130-816.105	Amended	23:13 VA.R. 2150	4/4/07
4 VAC 25-130-816.116	Amended	23:16 VA.R. 2592	5/16/07
4 VAC 25-130-817.11	Amended	23:13 VA.R. 2150	4/4/07
4 VAC 25-130-817.64	Amended	23:13 VA.R. 2151	4/4/07
4 VAC 25-130-817.116	Amended	23:16 VA.R. 2594	5/16/07
4 VAC 25-130-817.121	Amended	23:13 VA.R. 2151	4/4/07
4 VAC 25-130-842.15	Amended	23:13 VA.R. 2153	4/4/07
4 VAC 25-130-843.12	Amended	23:13 VA.R. 2153	4/4/07
4 VAC 25-130-843.13	Amended	23:13 VA.R. 2154	4/4/07
4 VAC 25-130-843.15	Amended	23:13 VA.R. 2155	4/4/07
4 VAC 25-130-843.16	Amended	23:13 VA.R. 2156	4/4/07
4 VAC 25-130-845.13	Amended	23:13 VA.R. 2156	4/4/07
4 VAC 25-130-845.15	Amended	23:13 VA.R. 2158	4/4/07
4 VAC 25-130-845.18	Amended	23:13 VA.R. 2158	4/4/07
4 VAC 25-130-845.19	Amended	23:13 VA.R. 2159	4/4/07
4 VAC 25-130-846.14	Amended	23:13 VA.R. 2159	4/4/07
Title 5. Corporations			
5 VAC 5-30-10	Amended	23:23 VA.R. 3872	7/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
5 VAC 5-30-20	Amended	23:23 VA.R. 3872	7/1/07
5 VAC 5-30-30	Amended	23:23 VA.R. 3873	7/1/07
5 VAC 5-30-40	Amended	23:23 VA.R. 3873	7/1/07
5 VAC 5-30-50	Amended	23:23 VA.R. 3874	7/1/07
5 VAC 5-30-60	Amended	23:23 VA.R. 3874	7/1/07
5 VAC 5-30-70	Amended	23:23 VA.R. 3875	7/1/07
Title 6. Criminal Justice and Corrections			
6 VAC 15-20-10 through 6 VAC 15-20-230	Amended	23:22 VA.R. 3697-3703	8/9/07
6 VAC 40-50-10 through 6VAC40-50-80 emer	Added	23:23 VA.R. 3876	7/1/06-12/29/07
Title 8. Education			
8 VAC 20-160-10	Amended	23:23 VA.R. 3876	8/27/07
8 VAC 20-160-20	Amended	23:23 VA.R. 3878	8/27/07
8 VAC 20-160-30	Amended	23:23 VA.R. 3878	8/27/07
8 VAC 20-160-40	Amended	23:23 VA.R. 3879	8/27/07
8 VAC 20-160-50	Amended	23:23 VA.R. 3879	8/27/07
8 VAC 20-160-60	Amended	23:23 VA.R. 3879	8/27/07
8 VAC 20-350-10 through 8 VAC 20-350-660	Repealed	23:12 VA.R. 1962	5/8/07
8 VAC 20-700-10 through 8 VAC 20-700-50	Added	23:10 VA.R. 1541-1543	2/21/07
8 VAC 20-710-10 through 8 VAC 20-710-30	Added	23:10 VA.R. 1543-1544	2/21/07
8 VAC 40-140-10 through 8 VAC 40-140-90	Added	23:22 VA.R. 3704-3706	7/1/07
Title 9. Environment			
9 VAC 5-20-21	Amended	23:21 VA.R. 3456	8/1/07
9 VAC 5-30-15	Added	23:21 VA.R. 3454	8/1/07
9 VAC 5-30-60	Amended	23:21 VA.R. 3454	8/1/07
9 VAC 5-30-65	Amended	23:21 VA.R. 3454	8/1/07
9 VAC 5-30-66	Added	23:21 VA.R. 3455	8/1/07
9 VAC 5-40-7550 through 9 VAC 5-40-7710	Added	23:21 VA.R. 3460-3463	8/1/07
9 VAC 5-50-400	Amended	23:17 VA.R. 2742	6/1/07
9 VAC 5-50-410	Amended	23:17 VA.R. 2742	6/1/07
9 VAC 5-60-60	Amended	23:17 VA.R. 2747	6/1/07
9 VAC 5-60-90	Amended	23:17 VA.R. 2748	6/1/07
9 VAC 5-60-100	Amended	23:17 VA.R. 2748	6/1/07
9 VAC 5-140-1010 through 9 VAC 5-140-1060	Added	23:14 VA.R. 2279-2291	4/18/07
9 VAC 5-140-1061	Added	23:14 VA.R. 2291	*
9 VAC 5-140-1062	Added	23:14 VA.R. 2291	*
9 VAC 5-140-1070 through 9 VAC 5-140-1150	Added	23:14 VA.R. 2292-2295	4/18/07
9 VAC 5-140-1200 through 9 VAC 5-140-1240	Added	23:14 VA.R. 2295-2296	4/18/07
9 VAC 5-140-1400 through 9 VAC 5-140-1430	Added	23:14 VA.R. 2296-2302	4/18/07
9 VAC 5-140-1500 through 9 VAC 5-140-1570	Added	23:14 VA.R. 2302-2306	4/18/07
9 VAC 5-140-1600 through 9 VAC 5-140-1620	Added	23:14 VA.R. 2307	4/18/07
9 VAC 5-140-1700 through 9 VAC 5-140-1750	Added	23:14 VA.R. 2307-2312	4/18/07
9 VAC 5-140-1800 through 9 VAC 5-140-1880	Added	23:14 VA.R. 2312-2317	4/18/07
9 VAC 5-140-2060	Added	23:14 VA.R. 2329	4/18/07
9 VAC 5-140-2061	Added	23:14 VA.R. 2331	*
9 VAC 5-140-2062	Added	23:14 VA.R. 2332	*
9 VAC 5-140-2070	Added	23:14 VA.R. 2333	4/18/07
9 VAC 5-140-2080	Added	23:14 VA.R. 2333	4/18/07
9 VAC 5-140-2100 through 9 VAC 5-140-2150	Added	23:14 VA.R. 2333-2336	4/18/07
9 VAC 5-140-2200 through 9 VAC 5-140-2240	Added	23:14 VA.R. 2336-2337	4/18/07

* Effective Date Suspended 23:19

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-140-2400 through 9 VAC 5-140-2430	Added	23:14 VA.R. 2337-2342	4/18/07
9 VAC 5-140-2500 through 9 VAC 5-140-2570	Added	23:14 VA.R. 2342-2347	4/18/07
9 VAC 5-140-2600 through 9 VAC 5-140-2620	Added	23:14 VA.R. 2347	4/18/07
9 VAC 5-140-2700 through 9 VAC 5-140-2750	Added	23:14 VA.R. 2347-2353	4/18/07
9 VAC 5-140-2800 through 9 VAC 5-140-2880	Added	23:14 VA.R. 2353-2359	4/18/07
9 VAC 5-140-3010 through 9 VAC 5-140-3060	Added	23:14 VA.R. 2359-2368	4/18/07
9 VAC 5-140-3061	Added	23:14 VA.R. 2370	*
9 VAC 5-140-3062	Added	23:14 VA.R. 2371	*
9 VAC 5-140-3070	Added	23:14 VA.R. 2371	4/18/07
9 VAC 5-140-3080	Added	23:14 VA.R. 2371	4/18/07
9 VAC 5-140-3100 through 9 VAC 5-140-3150	Added	23:14 VA.R. 2371-2374	4/18/07
9 VAC 5-140-3200 through 9 VAC 5-140-3240	Added	23:14 VA.R. 2374-2375	4/18/07
9 VAC 5-140-3400 through 9 VAC 5-140-3420	Added	23:14 VA.R. 2375	4/18/07
9 VAC 5-140-3500 through 9 VAC 5-140-3570	Added	23:14 VA.R. 2375-2380	4/18/07
9 VAC 5-140-3600 through 9 VAC 5-140-3620	Added	23:14 VA.R. 2380-2381	4/18/07
9 VAC 5-140-3700 through 9 VAC 5-140-3750	Added	23:14 VA.R. 2381-2386	4/18/07
9 VAC 5-140-3800 through 9 VAC 5-140-3880	Added	23:14 VA.R. 2386-2391	4/18/07
9 VAC 5-140-5010 through 9 VAC 5-140-5750	Added	23:13 VA.R. 2160-2186	4/4/07
9 VAC 5-140-1020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1061	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1130	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1420	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1700	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2030	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2040	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2060	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3840	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-5020	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5060	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5100	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5150	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5420	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5510	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5540	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5560	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5600	Erratum	23:16 VA.R. 2672	--
9 VAC 5-151-10 through 9 VAC 5-151-70	Added	23:17 VA.R. 2755-2764	5/31/07
9 VAC 5-240-10 through 9 VAC 5-240-50	Added	23:16 VA.R. 2595-2596	5/16/07
9 VAC 20-110-90	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-110-110	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-200-10 through 9 VAC 20-200-70	Added	23:11 VA.R. 1666-1667	3/21/07
9 VAC 25-71-20	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-71-50	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-71-70	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-210-10	Amended	23:21 VA.R. 3464	7/25/07

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-210-50	Amended	23:21 VA.R. 3468	7/25/07
9 VAC 25-210-60	Amended	23:21 VA.R. 3469	7/25/07
9 VAC 25-210-75	Added	23:21 VA.R. 3473	7/25/07
9 VAC 25-210-80 through 9 VAC 25-210-115	Amended	23:21 VA.R. 3474-3484	7/25/07
9 VAC 25-210-116	Added	23:21 VA.R. 3484	7/25/07
9 VAC 25-210-130	Amended	23:21 VA.R. 3487	7/25/07
9 VAC 25-210-140	Amended	23:21 VA.R. 3488	7/25/07
9 VAC 25-210-170	Amended	23:21 VA.R. 3489	7/25/07
9 VAC 25-210-175	Added	23:21 VA.R. 3489	7/25/07
9 VAC 25-210-180	Amended	23:21 VA.R. 3490	7/25/07
9 VAC 25-210-185	Amended	23:21 VA.R. 3492	7/25/07
9 VAC 25-210-190	Repealed	23:21 VA.R. 3492	7/25/07
9 VAC 25-210-200	Repealed	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-210	Repealed	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-220	Amended	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-230	Amended	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-260	Amended	23:21 VA.R. 3494	7/25/07
9 VAC 25-720-50	Amended	23:11 VA.R. 1669	3/21/07
9 VAC 25-720-50	Amended	23:15 VA.R. 2486	5/2/07
9 VAC 25-720-50	Amended	23:23 VA.R. 3881	10/22/07
9 VAC 25-720-50	Amended	23:23 VA.R. 3888	10/22/07
9 VAC 25-720-50	Amended	23:23 VA.R. 3895	10/22/07
9 VAC 25-720-60	Amended	23:12 VA.R. 1966	5/21/07
9 VAC 25-720-80	Amended	23:11 VA.R. 1670	3/21/07
9 VAC 25-720-80	Amended	23:23 VA.R. 3901	10/22/07
9 VAC 25-720-90	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-720-100	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-720-130	Amended	23:15 VA.R. 2487	5/2/07
Title 10. Finance and Financial Institutions			
10 VAC 5-40-50	Added	23:18 VA.R. 2882	5/1/07
10 VAC 5-160-40	Amended	23:13 VA.R. 2187	2/10/07
Title 11. Gaming			
11 VAC 10-20-310	Amended	23:18 VA.R. 2883	5/31/07
11 VAC 10-20-330	Amended	23:18 VA.R. 2884	5/31/07
11 VAC 10-20-340	Amended	23:18 VA.R. 2891	5/31/07
11 VAC 10-100-30	Amended	23:18 VA.R. 2892	5/31/07
11 VAC 10-110-30	Amended	23:18 VA.R. 2893	5/31/07
11 VAC 10-110-90	Amended	23:18 VA.R. 2893	5/31/07
11 VAC 10-120-80	Amended	23:18 VA.R. 2894	5/31/07
11 VAC 10-130-10	Amended	23:11 VA.R. 1672	1/10/07
11 VAC 10-130-10	Amended	23:18 VA.R. 2894	4/30/07
11 VAC 10-130-60	Amended	23:11 VA.R. 1673	1/10/07
11 VAC 10-140-12	Added	23:18 VA.R. 2896	5/31/07
11 VAC 10-140-15	Added	23:18 VA.R. 2896	5/31/07
11 VAC 10-140-210	Amended	23:18 VA.R. 2896	5/31/07
11 VAC 10-150-12	Added	23:18 VA.R. 2897	5/31/07
11 VAC 10-150-15	Added	23:18 VA.R. 2897	5/31/07
11 VAC 10-180-10	Amended	23:20 VA.R. 3164	5/18/07
11 VAC 10-180-20	Amended	23:20 VA.R. 3164	5/18/07
11 VAC 10-180-60	Amended	23:20 VA.R. 3166	5/18/07
11 VAC 10-180-80	Amended	23:20 VA.R. 3167	5/18/07

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 12. Health			
12 VAC 5-70-10 through 12 VAC 5-70-50	Repealed	23:13 VA.R. 2187	4/4/07
12 VAC 5-71-10 through 12 VAC 5-71-190	Added	23:13 VA.R. 2188-2195	4/4/07
12 VAC 5-90 (Forms)	Erratum	23:15 VA.R. 2507-2509	--
12 VAC 5-90-10	Amended	23:15 VA.R. 2488	5/2/07
12 VAC 5-90-40	Amended	23:15 VA.R. 2493	5/2/07
12 VAC 5-90-80	Amended	23:15 VA.R. 2493	5/2/07
12 VAC 5-90-90	Amended	23:15 VA.R. 2497	5/2/07
12 VAC 5-90-100	Amended	23:15 VA.R. 2500	5/2/07
12 VAC 5-90-103	Added	23:15 VA.R. 2500	5/2/07
12 VAC 5-90-107	Added	23:15 VA.R. 2502	5/2/07
12 VAC 5-90-110	Amended	23:15 VA.R. 2503	5/2/07
12 VAC 5-90-130	Amended	23:15 VA.R. 2504	5/2/07
12 VAC 5-90-225	Amended	23:15 VA.R. 2504	5/2/07
12 VAC 5-90-250 through 12 VAC 5-90-280	Amended	23:15 VA.R. 2505-2506	5/2/07
12 VAC 5-90-330	Amended	23:15 VA.R. 2506	5/2/07
12 VAC 5-90-350	Amended	23:15 VA.R. 2507	5/2/07
12 VAC 5-90-360	Amended	23:15 VA.R. 2507	5/2/07
12 VAC 5-125-10	Added	23:23 VA.R. 3904	9/1/07
12 VAC 5-125-20	Added	23:23 VA.R. 3906	9/1/07
12 VAC 5-125-30	Added	23:23 VA.R. 3906	9/1/07
12 VAC 5-125-40	Added	23:23 VA.R. 3906	9/1/07
12 VAC 5-125-50	Added	23:23 VA.R. 3907	9/1/07
12 VAC 5-125-60	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-70	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-80	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-90	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-100	Added	23:23 VA.R. 3916	9/1/07
12 VAC 5-125-110	Added	23:23 VA.R. 3917	9/1/07
12 VAC 5-125-120	Added	23:23 VA.R. 3917	9/1/07
12 VAC 5-125-130	Added	23:23 VA.R. 3917	9/1/07
12 VAC 5-125-140	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-150	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-160	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-170	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-180	Added	23:23 VA.R. 3919	9/1/07
12 VAC 5-190-10 through 12 VAC 5-190-690	Repealed	23:21 VA.R. 3498	7/25/07
12 VAC 5-191-10 through 12 VAC 5-191-320	Added	23:21 VA.R. 3498-3509	7/25/07
12 VAC 5-371-10	Amended	23:10 VA.R. 1544	3/1/07
12 VAC 5-371-20	Repealed	23:10 VA.R. 1546	3/1/07
12 VAC 5-371-30	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-40	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-50	Repealed	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-60	Amended	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-70 through 12 VAC 5-371-130	Amended	23:10 VA.R. 1548-1551	3/1/07
12 VAC 5-371-150	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-160	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-190	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-200	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-400	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-410	Amended	23:10 VA.R. 1552	3/1/07

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12 VAC 5-410-10	Amended	23:10 VA.R. 1554	3/1/07
12 VAC 5-410-30	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-70	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-80	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-100	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-110	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-130	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-140	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-150	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-180	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-210	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-220	Amended	23:10 VA.R. 1557	3/1/07
12 VAC 5-410-270	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-442	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-445	Amended	23:10 VA.R. 1559	3/1/07
12 VAC 5-410-650	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-720	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-760	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-1150	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-1170	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1350	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1380	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 30-10-140	Amended	23:16 VA.R. 2653	7/1/07
12 VAC 30-10-560	Amended	23:14 VA.R. 2396	9/1/07
12 VAC 30-20-140	Amended	23:14 VA.R. 2397	9/1/07
12 VAC 30-30-20 emer	Amended	23:20 VA.R. 3169	5/30/07-5/29/08
12 VAC 30-30-60	Added	23:11 VA.R. 1673	3/7/07
12 VAC 30-40-10	Amended	23:11 VA.R. 1674	3/7/07
12 VAC 30-40-20	Amended	23:18 VA.R. 2897	7/1/07
12 VAC 30-40-105 emer	Added	23:20 VA.R. 3170	5/30/07-5/29/08
12 VAC 30-40-280 emer	Amended	23:20 VA.R. 3171	5/30/07-5/29/08
12 VAC 30-40-290	Amended	23:14 VA.R. 2398	9/1/07
12 VAC 30-40-290 emer	Amended	23:20 VA.R. 3172	5/30/07-5/29/08
12 VAC 30-50-20	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-35	Added	23:11 VA.R. 1675	3/7/07
12 VAC 30-50-60	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-75	Added	23:11 VA.R. 1676	3/7/07
12 VAC 30-50-130	Amended	23:21 VA.R. 3518	1/1/08
12 VAC 30-50-141 emer	Added	23:21 VA.R. 3510	7/1/07-6/30/08
12 VAC 30-50-151 emer	Added	23:21 VA.R. 3510	7/1/07-6/30/08
12 VAC 30-50-181 emer	Added	23:21 VA.R. 3510	7/1/07-6/30/08
12 VAC 30-50-228 emer	Added	23:21 VA.R. 3511	7/1/07-6/30/08
12 VAC 30-50-320	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-321	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-325	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-328	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-461 emer	Added	23:21 VA.R. 3512	7/1/07-6/30/08
12 VAC 30-50-490	Amended	23:20 VA.R. 3175	7/11/07
12 VAC 30-50-530	Amended	23:11 VA.R. 1676	3/7/07
12 VAC 30-60-250 emer	Added	23:21 VA.R. 3513	7/1/07-6/30/08
12 VAC 30-60-255 emer	Added	23:21 VA.R. 3515	7/1/07-6/30/08

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12 VAC 30-70-311	Amended	23:19 VA.R. 3003	7/1/07
12 VAC 30-70-321	Amended	23:19 VA.R. 3003	7/1/07
12 VAC 30-70-331	Amended	23:20 VA.R. 3225	8/25/07
12 VAC 30-70-341	Amended	23:19 VA.R. 3003	7/1/07
12 VAC 30-70-391	Amended	23:19 VA.R. 3004	7/1/07
12 VAC 30-80-30	Amended	23:20 VA.R. 3232	7/11/07
12 VAC 30-80-32 emer	Added	23:21 VA.R. 3516	7/1/07-6/30/08
12 VAC 30-80-95	Added	23:21 VA.R. 3520	1/1/08
12 VAC 30-80-190	Amended	23:19 VA.R. 3004	7/1/07
12 VAC 30-80-190	Amended	23:20 VA.R. 3225	8/25/07
12 VAC 30-80-190	Amended	23:20 VA.R. 3242	7/11/07
12 VAC 30-90-31	Amended	23:19 VA.R. 3005	7/1/07
12 VAC 30-90-41	Amended	23:20 VA.R. 3226	8/25/07
12 VAC 30-90-271	Amended	23:20 VA.R. 3229	8/25/07
12 VAC 30-90-290	Amended	23:20 VA.R. 3230	8/25/07
12 VAC 30-90-264	Amended	23:14 VA.R. 2400	4/18/07
12 VAC 30-110-950	Amended	23:18 VA.R. 2898	7/1/07
12 VAC 30-120-61	Amended	23:16 VA.R. 2655	7/1/07
12 VAC 30-120-62	Amended	23:16 VA.R. 2657	7/1/07
12 VAC 30-120-64	Amended	23:16 VA.R. 2659	7/1/07
12 VAC 30-120-65	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-66	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-68	Amended	23:16 VA.R. 2661	7/1/07
12 VAC 30-120-310 emer	Amended	23:21 VA.R. 3516	7/1/07-6/30/08
12 VAC 30-120-380 emer	Amended	23:21 VA.R. 3517	7/1/07-6/30/08
12 VAC 30-120-700 through 12 VAC 30-120-750	Amended	23:20 VA.R. 3177-3192	7/11/07
12 VAC 30-120-752	Amended	23:20 VA.R. 3192	7/11/07
12 VAC 30-120-753	Amended	23:20 VA.R. 3194	7/11/07
12 VAC 30-120-754	Amended	23:20 VA.R. 3195	7/11/07
12 VAC 30-120-756	Amended	23:20 VA.R. 3197	7/11/07
12 VAC 30-120-758	Amended	23:20 VA.R. 3198	7/11/07
12 VAC 30-120-760	Amended	23:20 VA.R. 3198	7/11/07
12 VAC 30-120-762	Amended	23:20 VA.R. 3199	7/11/07
12 VAC 30-120-764	Amended	23:20 VA.R. 3199	7/11/07
12 VAC 30-120-766	Amended	23:20 VA.R. 3201	7/11/07
12 VAC 30-120-768	Repealed	23:20 VA.R. 3204	7/11/07
12 VAC 30-120-770	Amended	23:20 VA.R. 3206	7/11/07
12 VAC 30-120-772	Amended	23:20 VA.R. 3211	7/11/07
12 VAC 30-120-774	Amended	23:20 VA.R. 3211	7/11/07
12 VAC 30-120-776	Amended	23:20 VA.R. 3213	7/11/07
12 VAC 30-120-780	Repealed	23:20 VA.R. 3215	7/11/07
12 VAC 30-120-790	Repealed	23:20 VA.R. 3216	7/11/07
12 VAC 30-120-1600 through 12 VAC 30-120-1660	Added	23:20 VA.R. 3244-3251	7/11/07
12 VAC 30-130-900	Amended	23:12 VA.R. 1967	3/21/07
12 VAC 30-130-910	Amended	23:12 VA.R. 1968	3/21/07
12 VAC 30-130-930	Amended	23:12 VA.R. 1968	3/21/07
12 VAC 30-135-10 through 12 VAC 30-135-40	Amended	23:21 VA.R. 3520-3522	11/1/07
12 VAC 30-135-80	Amended	23:21 VA.R. 3522	11/1/07
12 VAC 30-141-740	Amended	23:19 VA.R. 3006	7/1/07
12 VAC 35-45-10	Amended	23:10 VA.R. 1562	2/21/07
12 VAC 35-45-25	Added	23:10 VA.R. 1565	2/21/07

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 35-45-70	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-80	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-210	Added	23:10 VA.R. 1564	2/21/07
12 VAC 35-105-20	Amended	23:10 VA.R. 1567	2/21/07
12 VAC 35-105-30	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-115 emer	Added	23:10 VA.R. 1566	1/3/07-1/2/08
12 VAC 35-105-590	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-660	Amended	23:10 VA.R. 1576	2/21/07
12 VAC 35-105-925	Added	23:20 VA.R. 3252	7/11/07
12 VAC 35-210-10 through 12 VAC 35-210-120	Added	23:21 VA.R. 3525-3529	7/25/07
Title 13. Housing			
13 VAC 5-111-10 through 13 VAC 5-111-400	Repealed	23:12 VA.R. 1971	3/21/07
13 VAC 5-112-10 through 13 VAC 5-112-560	Added	23:12 VA.R. 1971-1994	3/21/07
Title 14. Insurance			
14 VAC 5-200-20	Repealed	23:17 VA.R. 2766	9/1/07
14 VAC 5-200-30 through 14 VAC 5-200-60	Amended	23:17 VA.R. 2766-2770	9/1/07
14 VAC 5-200-70 through 14 VAC 5-200-90	Amended	23:17 VA.R. 2770-2774	9/1/07
14 VAC 5-200-110	Amended	23:17 VA.R. 2774	9/1/07
14 VAC 5-200-120	Amended	23:17 VA.R. 2777	9/1/07
14 VAC 5-200-153	Amended	23:17 VA.R. 2777	9/1/07
14 VAC 5-200-170	Amended	23:17 VA.R. 2780	9/1/07
14 VAC 5-200-175	Amended	23:17 VA.R. 2781	9/1/07
14 VAC 5-200-181	Added	23:17 VA.R. 2782	9/1/07
14 VAC 5-200-183	Added	23:17 VA.R. 2782	9/1/07
14 VAC 5-200-185	Amended	23:17 VA.R. 2783	9/1/07
14 VAC 5-200-187	Amended	23:17 VA.R. 2785	9/1/07
14 VAC 5-200-200	Amended	23:17 VA.R. 2786	9/1/07
14 VAC 5-200-201	Added	23:17 VA.R. 2788	9/1/07
14 VAC 5-200-205	Added	23:17 VA.R. 2788	9/1/07
14 VAC 5-215-20	Amended	23:22 VA.R. 3768	7/1/07
14 VAC 5-215-30	Amended	23:22 VA.R. 3768	7/1/07
14 VAC 5-215-50	Amended	23:22 VA.R. 3769	7/1/07
14 VAC 5-215-60	Amended	23:22 VA.R. 3770	7/1/07
14 VAC 5-215-80	Amended	23:22 VA.R. 3770	7/1/07
14 VAC 5-321-10	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-20	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-30	Amended	23:10 VA.R. 1578	1/1/07
14 VAC 5-321-70	Added	23:10 VA.R. 1578	1/1/07
14 VAC 5-322-10 through 14 VAC 5-322-50	Added	23:10 VA.R. 1579-1581	1/1/07
Title 16. Labor and Employment			
16 VAC 15-21-30	Amended	23:23 VA.R. 3933	8/23/07
16 VAC 25-55-10 and 16 VAC 25-55-20	Added	23:12 VA.R. 1995-1996	3/22/07
16 VAC 25-75-10	Added	23:21 VA.R. 3544	7/26/07
16 VAC 25-90-1910.268 (b) (7)	Repealed	23:21 VA.R. 3545	7/26/07
16 VAC 25-90-1910.134	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1000	Amended	23:12 VA.R. 1996	3/21/07
16 VAC 25-90-1910.1001	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1017	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1018	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1025	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1027	Amended	23:12 VA.R. 1997	3/21/07

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16 VAC 25-90-1910.1028	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1029	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1043	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1044	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1045	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1047	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1048	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1050	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1052	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-100-1915.5	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.505	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.507	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.1000	Amended	23:12 VA.R. 1996	3/21/07
16 VAC 25-100-1915.1001	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.55	Added	23:12 VA.R. 1996	3/21/07
16 VAC 25-175-1926.60	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.62	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.1002, Appendix A of Subpart W	Amended	23:12 VA.R. 1999	3/21/07
16 VAC 25-175-1926.1101	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.1127	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-190-1928.52	Amended	23:12 VA.R. 1999	3/21/07
16 VAC 25-190-1928.53, Appendix B to Subpart C	Amended	23:12 VA.R. 1999	3/21/07
Title 18. Professional and Occupational Licensing			
18 VAC 5-10-10 through 18 VAC 5-10-90	Amended	23:11 VA.R. 1678-1680	4/23/07
18 VAC 10-20-230	Amended	23:21 VA.R. 3548	9/10/07
18 VAC 10-20-420	Amended	23:21 VA.R. 3550	8/1/07
18 VAC 10-20-440	Amended	23:21 VA.R. 3551	8/1/07
18 VAC 10-20-450	Amended	23:21 VA.R. 3551	8/1/07
18 VAC 15-20 (Forms)	Added	23:15 VA.R. 2514	--
18 VAC 15-30 (Forms)	Amended	23:15 VA.R. 2514	--
18 VAC 25-21-80	Amended	23:21 VA.R. 3557	8/1/07
18 VAC 25-21-90	Amended	23:21 VA.R. 3558	8/1/07
18 VAC 25-21-180	Amended	23:21 VA.R. 3558	8/1/07
18 VAC 25-21-230 through 18 VAC 25-21-280	Added	23:21 VA.R. 3559-3560	8/1/07
18 VAC 30-10-10 through 18 VAC 30-10-80	Amended	23:20 VA.R. 3276-3277	8/25/07
18 VAC 30-10-100	Amended	23:20 VA.R. 3277	8/25/07
18 VAC 30-10-110	Amended	23:20 VA.R. 3277	8/25/07
18 VAC 30-10-120	Amended	23:20 VA.R. 3277	8/25/07
18 VAC 41-60-10 through 18 VAC 41-60-220	Added	23:12 VA.R. 2000-2009	4/1/07
18 VAC 45-20-40	Amended	23:21 VA.R. 3562	9/10/07
18 VAC 47-20-10	Amended	23:21 VA.R. 3563	8/1/07
18 VAC 47-20-35	Added	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-210	Amended	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-240	Repealed	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-250	Added	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-260	Added	23:21 VA.R. 3565	8/1/07
18 VAC 47-20-270	Added	23:21 VA.R. 3565	8/1/07
18 VAC 50-30-10 through 18 VAC 50-30-50	Amended	23:12 VA.R. 2020-2025	4/1/07
18 VAC 50-30-60	Repealed	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-70	Amended	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-80	Repealed	23:12 VA.R. 2025	4/1/07

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18 VAC 50-30-90 through 18 VAC 50-30-150	Amended	23:12 VA.R. 2026-2028	4/1/07
18 VAC 50-30-180	Repealed	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-185	Added	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-190	Amended	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-200	Amended	23:12 VA.R. 2029	4/1/07
18 VAC 50-30-210 through 18 VAC 50-30-260	Added	23:12 VA.R. 2030-2031	4/1/07
18 VAC 60-10-10 through 18 VAC 60-10-80	Amended	23:20 VA.R. 3283-3284	8/25/07
18 VAC 60-10-100	Amended	23:20 VA.R. 3284	8/25/07
18 VAC 60-10-110	Amended	23:20 VA.R. 3284	8/25/07
18 VAC 60-10-120	Amended	23:20 VA.R. 3284	8/25/07
18 VAC 60-20-71	Amended	23:23 VA.R. 3934	8/22/07
18 VAC 60-20-180	Amended	23:15 VA.R. 2510	5/2/07
18 VAC 60-20-210	Amended	23:20 VA.R. 3286	8/25/07
18 VAC 65-40-10	Amended	23:12 VA.R. 2031	3/21/07
18 VAC 65-40-40	Amended	23:12 VA.R. 2031	3/21/07
18 VAC 65-40-90	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-110	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-130	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-160	Repealed	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-220	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-250	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-300	Repealed	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-320	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 65-40-340	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 75-10-10 through 18 VAC 75-10-80	Amended	23:20 VA.R. 3288-3290	8/25/07
18 VAC 75-10-100	Amended	23:20 VA.R. 3290	8/25/07
18 VAC 75-10-110	Amended	23:20 VA.R. 3290	8/25/07
18 VAC 75-10-120	Amended	23:20 VA.R. 3290	8/25/07
18 VAC 75-20-60	Amended	23:21 VA.R. 3574	9/10/07
18 VAC 75-20-70	Amended	23:21 VA.R. 3575	9/10/07
18 VAC 75-20-120	Added	23:21 VA.R. 3575	9/10/07
18 VAC 75-20-130	Added	23:21 VA.R. 3575	9/10/07
18 VAC 75-20-140	Added	23:21 VA.R. 3575	9/10/07
18 VAC 76-30-10 through 18 VAC 76-30-80	Amended	23:20 VA.R. 3292-3294	8/25/07
18 VAC 76-30-100	Amended	23:20 VA.R. 3294	8/25/07
18 VAC 76-30-110	Amended	23:20 VA.R. 3294	8/25/07
18 VAC 76-30-120	Amended	23:20 VA.R. 3294	8/25/07
18 VAC 85-10 through 18 VAC 85-10-70	Amended	23:20 VA.R. 3296-3297	8/25/07
18 VAC 85-10-90	Amended	23:20 VA.R. 3297	8/25/07
18 VAC 85-10-100	Amended	23:20 VA.R. 3297	8/25/07
18 VAC 85-10-110	Amended	23:20 VA.R. 3298	8/25/07
18 VAC 85-20-30	Amended	23:20 VA.R. 3299	8/25/07
18 VAC 85-20-235	Amended	23:11 VA.R. 1692	4/21/07
18 VAC 85-20-290	Amended	23:13 VA.R. 2206	4/4/07
18 VAC 85-20-290	Amended	23:23 VA.R. 3934	8/22/07
18 VAC 85-101-50	Amended	23:15 VA.R. 2511	5/2/07
18 VAC 85-130-10 through 18 VAC 85-130-170	Added	23:10 VA.R. 1582-1586	2/21/07
18 VAC 90-10-10 through 18 VAC 90-10-80	Amended	23:20 VA.R. 3307-3309	8/25/07
18 VAC 90-10-100	Amended	23:20 VA.R. 3309	8/25/07
18 VAC 90-10-110	Amended	23:20 VA.R. 3309	8/25/07
18 VAC 90-10-120	Amended	23:20 VA.R. 3309	8/25/07

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18 VAC 90-20-60	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 90-25-15 through 18 VAC 90-25-80	Amended	23:21 VA.R. 3576-3581	7/25/07
18 VAC 90-25-71	Added	23:21 VA.R. 3580	7/25/07
18 VAC 90-25-72	Added	23:21 VA.R. 3580	7/25/07
18 VAC 90-25-81	Added	23:21 VA.R. 3581	7/25/07
18 VAC 90-25-100 through 18 VAC 90-25-130	Amended	23:21 VA.R. 3581-3583	7/25/07
18 VAC 90-30-120	Amended	23:14 VA.R. 2404	4/18/07
18 VAC 90-30-230	Amended	23:12 VA.R. 2034	3/21/07
18 VAC 90-40-140	Amended	23:12 VA.R. 2034	3/21/07
18 VAC 90-60-10 through 18 VAC 90-60-120	Added	23:19 VA.R. 3008-3012	7/1/07
18 VAC 90-60-120	Erratum	23:20 VA.R. 3378	--
18 VAC 105-10-10 through 18 VAC 105-10-80	Amended	23:20 VA.R. 3315-3316	8/25/07
18 VAC 105-10-100	Amended	23:20 VA.R. 3316	8/25/07
18 VAC 105-10-110	Amended	23:20 VA.R. 3316	8/25/07
18 VAC 105-10-120	Amended	23:20 VA.R. 3316	8/25/07
18 VAC 105-20-10	Amended	23:22 VA.R. 3791	9/24/07
18 VAC 110-10-10 through 18 VAC 110-10-80	Amended	23:20 VA.R. 3318-3320	8/25/07
18 VAC 110-10-100	Amended	23:20 VA.R. 3320	8/25/07
18 VAC 110-10-110	Amended	23:20 VA.R. 3320	8/25/07
18 VAC 110-10-120	Amended	23:20 VA.R. 3320	8/25/07
18 VAC 110-20-285	Amended	23:17 VA.R. 2791	5/30/07
18 VAC 112-10-10 through 18 VAC 112-10-80	Amended	23:20 VA.R. 3327-3329	8/25/07
18 VAC 112-10-100	Amended	23:20 VA.R. 3329	8/25/07
18 VAC 112-10-110	Amended	23:20 VA.R. 3329	8/25/07
18 VAC 112-10-120	Amended	23:20 VA.R. 3329	8/25/07
18 VAC 115-10-10 through 18 VAC 115-10-80	Amended	23:20 VA.R. 3331-3332	8/25/07
18 VAC 115-10-100	Amended	23:20 VA.R. 3332	8/25/07
18 VAC 115-10-110	Amended	23:20 VA.R. 3333	8/25/07
18 VAC 115-10-120	Amended	23:20 VA.R. 3333	8/25/07
18 VAC 115-20-20	Amended	23:14 VA.R. 2404	4/18/07
18 VAC 115-20-130	Amended	23:21 VA.R. 3584	7/25/07
18 VAC 115-30-30	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-40-20	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-50-20	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-50-110	Amended	23:21 VA.R. 3585	7/25/07
18 VAC 115-60-20	Amended	23:14 VA.R. 2406	4/18/07
18 VAC 115-60-130	Amended	23:21 VA.R. 3587	7/25/07
18 VAC 120-30-10	Amended	23:21 VA.R. 3589	8/1/07
18 VAC 120-30-30	Amended	23:21 VA.R. 3590	8/1/07
18 VAC 120-30-40	Amended	23:21 VA.R. 3590	8/1/07
18 VAC 120-30-50	Amended	23:21 VA.R. 3591	8/1/07
18 VAC 120-30-55	Added	23:21 VA.R. 3591	8/1/07
18 VAC 120-30-90	Repealed	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-100	Amended	23:21 VA.R. 3588	8/1/07
18 VAC 120-30-100	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-130	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-150	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-160	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-180	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-190	Amended	23:21 VA.R. 3593	8/1/07
18 VAC 120-30-200	Amended	23:21 VA.R. 3593	8/1/07

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18 VAC 120-30-220	Amended	23:21 VA.R. 3593	8/1/07
18 VAC 120-30-230	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-240	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-250	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-270	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-280	Amended	23:21 VA.R. 3595	8/1/07
18 VAC 120-30-290	Added	23:21 VA.R. 3595	8/1/07
18 VAC 120-30-300	Added	23:21 VA.R. 3595	8/1/07
18 VAC 120-30-310	Added	23:21 VA.R. 3595	8/1/07
18 VAC 125-10-10 through 18 VAC 125-10-80	Amended	23:20 VA.R. 3346-3348	8/25/07
18 VAC 125-10-100	Amended	23:20 VA.R. 3348	8/25/07
18 VAC 125-10-110	Amended	23:20 VA.R. 3348	8/25/07
18 VAC 125-10-120	Amended	23:20 VA.R. 3348	8/25/07
18 VAC 125-20-30	Amended	23:12 VA.R. 2035	3/21/07
18 VAC 125-30-20	Amended	23:12 VA.R. 2035	3/21/07
18 VAC 135-50-10	Amended	23:22 VA.R. 3794	9/22/07
18 VAC 135-50-20	Amended	23:22 VA.R. 3795	9/22/07
18 VAC 135-50-220	Amended	23:22 VA.R. 3795	9/22/07
18 VAC 135-50-400	Amended	23:22 VA.R. 3795	9/22/07
18 VAC 140-10-10 through 18 VAC 140-10-80	Amended	23:20 VA.R. 3350-3351	8/25/07
18 VAC 140-10-100	Amended	23:20 VA.R. 3351	8/25/07
18 VAC 140-10-110	Amended	23:20 VA.R. 3352	8/25/07
18 VAC 140-10-120	Amended	23:20 VA.R. 3352	8/25/07
18 VAC 145-30-40	Amended	23:20 VA.R. 3352	7/12/07
18 VAC 150-10-10	Amended	23:23 VA.R. 3937	10/7/07
18 VAC 150-10-20	Amended	23:23 VA.R. 3937	10/7/07
18 VAC 150-10-30	Amended	23:23 VA.R. 3937	10/7/07
18 VAC 150-10-40	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-50	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-60	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-70	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-80	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-100	Amended	23:23 VA.R. 3939	10/7/07
18 VAC 150-10-110	Amended	23:23 VA.R. 3939	10/7/07
18 VAC 150-10-120	Amended	23:23 VA.R. 3939	10/7/07
Title 19. Public Safety			
19 VAC 30-20-80	Amended	23:10 VA.R. 1587	3/1/07
Title 21. Securities and Retail Franchising			
21 VAC 5-10	Erratum	23:18 VA.R. 2935	--
21 VAC 5-10-40	Amended	23:23 VA.R. 3940	7/1/07
21 VAC 5-20	Erratum	23:18 VA.R. 2935	--
21 VAC 5-20-65	Added	23:23 VA.R. 3942	7/1/07
21 VAC 5-20-95	Added	23:23 VA.R. 3942	7/1/07
21 VAC 5-20-280	Amended	23:23 VA.R. 3943	7/1/07
21 VAC 5-20-330	Amended	23:23 VA.R. 3947	7/1/07
21 VAC 5-80-65	Added	23:23 VA.R. 3949	7/1/07
21 VAC 5-80-160	Amended	23:23 VA.R. 3950	7/1/07
21 VAC 5-80-200	Amended	23:23 VA.R. 3954	7/1/07
21 VAC 5-110	Erratum	23:18 VA.R. 2935	--
21 VAC 5-110	Amended	23:23 VA.R. 3957 ???	7/1/07
21 VAC 5-110-65	Added	23:23 VA.R. 3959	7/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
21 VAC 5-110-75	Added	23:23 VA.R. 3960	7/1/07
Title 22. Social Services			
22 VAC 15-10-40	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 15-10-50	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 15-30-10	Amended	23:20 VA.R. 3353	7/11/07
22 VAC 15-30-310	Amended	23:20 VA.R. 3356	7/11/07
22 VAC 15-30-580	Amended	23:20 VA.R. 3358	7/11/07
22 VAC 40-20-10	Repealed	23:20 VA.R. 3364	8/1/07
22 VAC 40-25-10 through 22 VAC 40-25-70	Amended	23:20 VA.R. 3360-3364	8/1/07
22 VAC 40-25-45	Added	23:20 VA.R. 3363	8/1/07
22 VAC 40-35-10	Amended	23:23 VA.R. 3962	9/1/07
22 VAC 40-35-80	Amended	23:23 VA.R. 3965	9/1/07
22 VAC 40-35-90	Amended	23:23 VA.R. 3965	9/1/07
22 VAC 40-35-100	Amended	23:23 VA.R. 3966	9/1/07
22 VAC 40-41-10 through 22 VAC 40-41-50	Amended	23:22 VA.R. 3796-3799	9/1/07
22 VAC 40-41-55	Amended	23:22 VA.R. 3799	9/1/07
22 VAC 40-41-60	Amended	23:22 VA.R. 3799	9/1/07
22 VAC 40-540-10	Repealed	23:20 VA.R. 3364	8/1/07
22 VAC 40-600-10 through 22 VAC 40-600-240	Repealed	23:20 VA.R. 3364	8/1/07
22 VAC 40-601-10 through 22 VAC 40-601-40	Added	23:20 VA.R. 3365-3366	8/1/07
22 VAC 40-740-10	Amended	23:10 VA.R. 1588	3/1/07
22 VAC 40-740-15	Added	23:10 VA.R. 1591	3/1/07
22 VAC 40-740-20	Repealed	23:10 VA.R. 1592	3/1/07
22 VAC 40-740-21	Added	23:10 VA.R. 1592	3/1/07
22 VAC 40-740-30	Repealed	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-31	Added	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-40	Amended	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-50	Amended	23:10 VA.R. 1594	3/1/07
22 VAC 40-740-60	Amended	23:10 VA.R. 1595	3/1/07
22 VAC 40-740-70	Added	23:10 VA.R. 1596	3/1/07
22 VAC 40-740-80	Added	23:10 VA.R. 1596	3/1/07
22 VAC 40-880-200	Amended	23:20 VA.R. 3367	8/1/07
22 VAC 40-880-250	Amended	23:20 VA.R. 3367	8/1/07
22 VAC 40-880-270	Amended	23:20 VA.R. 3367	8/1/07
22 VAC 40-880-350	Amended	23:20 VA.R. 3368	8/1/07
22 VAC 40-880-620	Amended	23:20 VA.R. 3369	8/1/07
Title 24. Transportation and Motor Vehicles			
24 VAC 30-155	Erratum	23:21 VA.R. 3619	--
24 VAC 30-155-10 through 24 VAC 30-155-100	Added	23:18 VA.R. 2915-2930	7/1/07
24 VAC 30-320	Repealed	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-10	Added	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-20	Added	23:16 VA.R. 2666	3/22/07
24 VAC 30-330	Repealed	23:16 VA.R. 2665	3/22/07

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled **4VAC25-130, Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to achieve consistency with federal standards on revegetation, topsoil, and water diversion structures during reclamation of mined lands. The action will also implement a 30-day deadline for filing applications for review and requests for hearing on decisions not to take enforcement action under the regulation.

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

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

Public comments may be submitted until 5 p.m. on August 8, 2007.

Contact: David Spears, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 N. 9th St., 8th Floor, Richmond, VA 23219-3402, telephone (804) 692-3212, FAX (804) 692-3237, or email david.spears@dmme.virginia.gov.

VA.R. Doc. No. R07-275; Filed June 15, 2007, 10:30 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Criminal Justice Services Board has WITHDRAWN the Notice of Intended Regulatory Action for **6VAC20-171, Regulations Relating to Private Security Services**, and **6VAC20-172, Regulations Relating to Private Security Services**, which was published in 22:22 VA.R. 2978 July 10, 2006.

Contact: Judith Kirkendall, Department of Criminal Justice Services, 8th Street Office Bldg., 805 E. Broad St., 10th Floor

Richmond, VA 23219, telephone 804- 786-8003, FAX 804-786-6040, or judith.kirkendall@dcjs.virginia.gov

VA.R. Doc. No. R06-269; Filed July 11, 2007, 3:34 p.m.

BOARD OF FORENSIC SCIENCE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Forensic Science Board intends to consider promulgating regulations entitled **6VAC40-60, Regulations for Obtaining Information from the Data Bank and Procedures for Verification and Authorization of Persons Requesting Information from the Data Bank**. The purpose of the proposed action is to describe the process for obtaining information from the DNA data bank and for verifying the authority of persons requesting the release of information from the DNA data bank. Specification of the personnel with access to the DNA data bank along with samples is also contained in the regulation.

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

Statutory Authority: §19.2-310.5 of the Code of Virginia.

Public comments may be submitted until September 5, 2007

Contact: Michele M. Gowdy, Department Counsel, Department of Forensic Science, 700 North 5th St., Richmond, VA 23219, telephone (804) 786-6848, FAX (804) 786-6857, or email michele.gowdy@dfs.virginia.gov.

VA.R. Doc. No. R07-; Filed July 9, 2007, 1:45 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled **8VAC20-100, Regulations Governing Literary Loan Applications in Virginia**. The purpose of the proposed action is to review and revise the regulation in order to ensure that it comports with the requirements of legislation enacted by the 2007 Acts of Assembly. There are several major elements considered for addition, deletion or revision. They include (i) revising the definitions section; (ii) requiring that a school board's application to the Board of Education for a loan from the

Notices of Intended Regulatory Action

Literary Fund is authorized by the governing body and the school board; (iii) adding a provision requiring the board not to disburse any proceeds of any approved loan before its receipt of the concurrent approval of the governing body at the time of initial disbursement and an acceptable opinion of bond counsel obtained by the local governing body as to the validity of the loan; (iv) removing provisions that require the examination of a title to property on an application for a loan, the certificate of the clerk of court or copy of a lease on the application for a loan, and the submission of the application and certificate of title to the Attorney General; (v) reviewing and revising each section of the current regulations to ensure compliance with the Code of Virginia; and (vi) adding provisions that may be necessary for the general administration of the program by the Department of Education.

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

Statutory Authority: §§22.1-142 and 22.1-161 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on August 8, 2007.

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

VA.R. Doc. No. R07-280; Filed June 20, 2007, 11:43 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Education intends to consider repealing regulations entitled **8 VAC 20-280, Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs** and promulgating regulations entitled **8 VAC 20-281, Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs**. The 2003 Acts of Assembly passed legislation allowing academic-year Governor's schools to choose a fiscal agent from among the treasurers of the cities and/or counties participating in this joint school program. Current law dictates that each of the regional programs other than the Governor's schools designate a fiscal agent according to the physical location of the school. Chapter 45 of the 2007 Acts of Assembly, will permit all joint school boards to designate a fiscal agent from among participating school divisions regardless of the physical location of the school beginning July 1, 2007. This bill resulted from a legislative proposal put forth by the Department of Education to streamline the operation of joint schools. As a result of this legislation and the language that needs to be added to address changes that have been made in the operation of joint schools and joint programs since the regulation was written, these regulations need to be revised. Because the changes will be

extensive, this will be accomplished by repealing the current regulation and promulgating a new regulation.

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

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

Public comments may be submitted until 5 p.m. on August 8, 2007.

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

VA.R. Doc. No. R07-279; Filed June 20, 2007, 11:42 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Board of Education intends to consider promulgating regulations entitled **8VAC20-720, Regulations Governing Local School Boards and School Divisions**, and repealing regulations entitled **8VAC20-150, Management of the Student's Scholastic Record in the Public Schools of Virginia, 8VAC20-170, Regulations Governing Instructional Materials - Selection and Utilization By Local School Boards, 8VAC20-180, Regulations Governing School Community Programs, 8VAC20-240, Regulations Governing School Activity Funds, 8VAC20-250, Regulations Governing the Testing of Sight and Hearing of Pupils, 8VAC20-270, Regulations Governing Textbook Fund Management and Handling on Local Level, 8VAC20-310, Rules Governing Instructions Concerning Drugs and Substance Abuse, 8VAC20-320, Regulations Governing Physical and Health Education, 8VAC20-390, Rules Governing Division Superintendent of Schools, 8VAC20-410, Regulations Governing Allowable Credit for Teaching Experience, 8VAC20-420, Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards, 8VAC20-460, Regulations Governing Sick Leave Plan for Teachers, 8VAC20-490, Regulations Governing School Boards Local, 8VAC20-565, Regulations for the Protection of Students as Participants in Human Research**. The purpose of the proposed action is to repeal outdated regulations and consolidate necessary sections of various regulations into new regulations entitled **Regulations Governing Local School Boards and School Divisions**.

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

Statutory Authority: §22.1-16 of Code of Virginia.

Public comments may be submitted until September 5, 2007.

Contact: Dr. Margaret N. Roberts, Office of Policy & Communications, Department of Education, P.O. Box 2120,

Notices of Intended Regulatory Action

101 N. 14th St., 25th Floor, Richmond, VA, 23219, telephone 804-225-2540, FAX 804-225-2524, or email margaret.roberts@doe.virginia.gov.

VA.R. Doc. No. R07-740; Filed July 10, 2007, 12:26 p.m.

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TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9VAC25-640, Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements**. The purpose of the proposed action is to (i) reduce the cost of compliance with the regulation by proposing modified compliance requirements that are not less stringent than the existing requirements, but may be more cost effective to secure; (ii) propose administrative changes to the regulation that do not affect the regulatory requirements; and (iii) clarify how VPSTF is used to reimburse tank operators for the cost of containment and cleanup of a petroleum release from an AST.

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

Statutory Authority: §§62.1-44.15 and 62.1-44.34:16 of the Code of Virginia.

Public comments may be submitted until August 23, 2007.

Contact: Josiah Bennett, Department of Environmental Quality, 629 E. Main St., P.O. Box 1105, Richmond, VA 23219, telephone (804) 698-4205 or email jqbennett@deq.virginia.gov.

VA.R. Doc. No. R07-293; Filed July 1, 2007, Noon

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12VAC5-550, Board of Health Regulations Governing Vital Records**. The purpose of the proposed action is to allow birth certificates to denote names of parents under all circumstances in cases of adoption.

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

Statutory Authority: §§32.1-249 through 32.1-276 of the Code of Virginia.

Public comments may be submitted until September 5, 2007.

Contact: Janet Rainey, Director and State Registrar, Department of Health, 1601 Willow Lawn Dr., Suite 275, Richmond, VA 23230, telephone 804-662-6207, FAX 804-662-7262, or email janet.rainey@vdh.virginia.gov.

VA.R. Doc. No. R07-645; Filed July 10, 2007, 10:55 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12VAC30-120, Waivered Services**. The purpose of the proposed action is to improve the service method through which long-term care recipients obtain their acute care medical needs. Based on the legislation, DMAS, in consultation with the stakeholders, was directed to develop a long-range blueprint for the development and implementation of an integrated acute and long-term care system to include (i) an explanation on how the various community and state level stakeholders will be involved in the development and implementation of the new program models; (ii) a description of the various steps for development and implementation of the program models, including a review of other states' models, funding populations served, services provided, education of clients and providers, and location of programs; (iii) a description of how the existing system is funded and how integration will impact funding; and (iv) a description of the evaluation methods that will be used to ensure that the program provides access, quality, and consumer satisfaction.

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

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

Public comments may be submitted until September 5, 2007.

Contact: Adrienne Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone 804-786-4112, FAX 804-786-1680, or email adrienne.fegans@dmass.virginia.gov.

VA.R. Doc. No. R07-729; Filed July 18, 2007, 10:30 a.m.

TITLE 16. LABOR AND EMPLOYMENT

VIRGINIA WORKERS' COMPENSATION COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Virginia Workers' Compensation Commission intends to consider amending regulations entitled **16 VAC 30-50, Rules of the Virginia Workers' Compensation Commission**. The purpose of the proposed action is to establish permissible charges and other requirements regarding the provision of medical records, reports, and medical opinions in the workers' compensation context.

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

Statutory Authority: §65.2-210 of the Code of Virginia.

Public comments may be submitted until August 23, 2007.

Contact: Deborah Hathcock, Virginia Workers' Compensation Commission, Office of the Chair, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-8657, FAX (877) 299-7360 or email deborah.hathcock@vwc.state.va.us.

VA.R. Doc. No. R07-281; Filed June 19, 2007, 3:11 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18VAC110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to clarify existing requirements, add new language to address problems that have arisen, delete outmoded regulation, and revise requirements to allow for newer technologies.

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

Statutory Authority: §54.1-2400 and Chapters 33 (§54.1-3300 et seq.) and 34 (§54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until September 5, 2007.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone 804-662-9911, FAX 804-662-9313, TTY 804-662-7197, or email scotti.russell@dhp.virginia.gov.

VA.R. Doc. No. R07-753; Filed July 16, 2007, 1:21 p.m.

TITLE 22. SOCIAL SERVICES

DEPARTMENT OF REHABILITATIVE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Rehabilitative Services intends to consider amending regulations entitled: **22VAC30-40, Protection of Participants in Human Research**. The purpose of the proposed action is to conform to human subjects research federal regulations and to ensure consistency with Code of Virginia requirements.

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

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

Statutory Authority: §54.5-5.1 of the Code of Virginia.

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

Contact: Vanessa S. Rakestraw, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7612, FAX (804) 662-7696, or email vanessa.rakestraw@drs.virginia.gov.

VA.R. Doc. No. R07-294; Filed July 3, 2007, 11:02 a.m.

DEPARTMENT OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22VAC40-35, Virginia Independence Program**. The purpose of the proposed action is to amend the Virginia Independence Program regulation by changing state code citations that changed as a result of recodification, change terms from Aid to Families with Dependent Children (AFDC) to the current Temporary Assistance for Needy Families (TANF), update the definitions, remove obsolete language concerning the receipt of federal waivers, remove references to the Virginia Targeted Jobs Grant Program, update the exemptions from the Virginia Initiative for Employment not Welfare program, allow greater participation in educational activities when

Notices of Intended Regulatory Action

participating in community work experience, expand opportunities for hardship exceptions, and address situations when an applicant for TANF names multiple possible putative fathers.

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

Statutory Authority: §§63.1-105, 63.105.1, 63.105.3, 63.1-105.4, 63.1.105.6, 63.1-105.7, 63.1-133.43, 63.1-133.46, 63.1,63.1-133.49, 63.1-133.51, and 63.1-133.53 of the Code of Virginia.

Federal waivers were granted effective July 1, 1995, by the U. S. Department of Health and Human Services (HHS) and the U. S. Department of Agriculture (USD), under Section 1115 of the Social Security Act and Section 17(b) of the Food Stamp Act.

Public comments may be submitted until September 5, 2007.

Contact: Mark L. Golden, TANF Program Manager, Department of Social Services, Division of Benefit Programs, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7385, FAX (804) 726-7356, TTY (800) 828-1120, or email mark.golden@dss.virginia.gov.

VA.R. Doc. No. R07-732; Filed July 13, 2007, 9:16 a.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 8. EDUCATION

GEORGE MASON UNIVERSITY

Proposed Regulation

REGISTRAR'S NOTICE: George Mason University is exempt from the Administrative Process Act in accordance with §2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: 8VAC35-60. Policy Prohibiting Weapons (adding 8VAC35-60-10, 8VAC35-60-20, 8VAC35-60-30).

Statutory Authority: §23-91.29 of the Code of Virginia.

Public Comments: Public comments may be submitted until 5 p.m. on September 5, 2007.

Agency Contact: Kenneth W. Hubble, Agency Regulatory Coordinator, George Mason University, 4400 University Drive, Fairfax, VA 22030, telephone (703) 993-3091, or email khubble@gmu.edu.

Summary:

The proposed regulation establishes the weapons prohibition policy at George Mason University.

CHAPTER 60

POLICY PROHIBITING WEAPONS

8VAC35-60-10. Definitions.

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

"Police officer" means law-enforcement officials appointed pursuant to Article 3 (§15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§15.2-1700 et seq.) of Title 15.2, Chapter 17 (§23-232 et seq.) of Title 23, Chapter 2 (§29.1-200 et seq.) of Title 29.1, and Chapter 1 (§52-1 et seq.) of Title 52 of the Code of Virginia and sworn federal law-enforcement officers.

"University property" means any property owned, leased or controlled by George Mason University.

"Weapon" means any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, razor slingshot, spring stick, metal knucks, blackjack, or any flailing instrument consisting of two or more rigid parts connected in such manner as to allow them to swing freely,

which may be known as nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades that is designed to be thrown or propelled and that may be known as throwing star or oriental dart.

8VAC35-60-20. Possession of weapons prohibited.

Possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in academic buildings, administrative office buildings, student residence buildings, and while attending sporting, entertainment or educational events. Entry upon university property in violation of this prohibition is expressly forbidden.

8VAC35-60-30. Person lawfully in charge.

In addition to individuals authorized by university policy, George Mason University police officers are lawfully in charge for the purposes of forbidding entry upon or remaining upon university property while possessing or carrying weapons in violation of this prohibition.

VA.R. Doc. No. R07-815; Filed July 19, 2007, 11:19 a.m.

Withdrawal of Proposed Regulation

Title of Regulation: 8VAC35-30. Space Utilization and Scheduling Policies and Procedures.

Statutory Authority: §23-91.29 of the Code of Virginia.

Notice is hereby given that George Mason University has WITHDRAWN the proposed regulatory action for 8VAC35-30, Space Utilization and Scheduling Policies and Procedures, which was published in 16:16 VA.R. 2026-2032 April 24, 2000.

Agency Contact: Kenneth W. Hubble, Agency Regulatory Coordinator, George Mason University, 4400 University Drive, Fairfax, VA 22030, telephone (703) 993-3091, or email khubble@gmu.edu.

VA.R. Doc. No. R00-157; Filed July 17, 2007, 2:01 p.m.

Withdrawal of Proposed Regulation

Title of Regulation: 8VAC35-60. Policy Prohibiting Weapons.

Statutory Authority: §23-91.29 of the Code of Virginia.

Notice is hereby given that George Mason University has WITHDRAWN the proposed regulatory action for 8VAC35-

Regulations

60, Policy Prohibiting Weapons, which was published in 11:21 VA.R. 3353 July 10, 1995.

Agency Contact: Kenneth W. Hubble, Agency Regulatory Coordinator, George Mason University, 4400 University Drive, Fairfax, VA 22030, telephone (703) 993-3091, or email khubble@gmu.edu.

VA.R. Doc. No. R95-553; Filed July 17, 2007, 2:01 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Proposed Regulation

Title of Regulation: **9VAC25-740. Water Reclamation and Reuse Regulation (adding 9VAC25-740-10 through 9VAC25-740-210).**

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

Public Hearing Information:

September 17, 2007 - 2 p.m. - Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA

September 21, 2007 - 2 p.m. - Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA

September 24, 2007 - 2 p.m. - Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Glen Allen, VA

Public Comments: Public comments may be submitted until October 9, 2007.

Agency Contact: Valerie Rourke, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4158, FAX (804) 698-4116, or email varourke@deq.virginia.gov.

Basis: Section 62.1-44.2 establishes the purpose of the State Water Control Law to, among other things, promote and encourage the reclamation and reuse of wastewater in a manner protective of the environment and public health. Further, §62.1-44.15(15) authorizes the State Water Control Board to promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into state waters.

Purpose: The purpose of the proposed action is to adopt the Water Reclamation and Reuse Regulation in order to satisfy the provisions of §62.1-44.15 of the Code of Virginia, as mandated by the 2000 General Assembly in House Bill 1282.

Pursuant to the action of the 2000 General Assembly, the board must promote and establish requirements for the

reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into state waters. The proposed regulation will establish technical requirements for reclamation and treatment standards for reclaimed water relative to the potential for discharge to the environment and for human contact by specific reuse categories. Therefore, the proposed regulatory action would be essential to protect the Commonwealth's environment and natural resources from pollution, impairment or destruction; and to protect the health, safety and welfare of its citizens.

Substance: The proposed regulation will establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health. Contained in the regulation are two sets of treatment standards and monitoring requirements for the reclamation of municipal wastewater, and provisions to develop treatment standards for the reclamation of industrial wastewater on a case-by-case basis. For six reuse categories (urban – unrestricted access, irrigation - unrestricted access, irrigation – restricted access, landscape impoundments, construction, and industrial), the regulation specifies the required treatment standards and allows for the approval of other reuses and associated treatment standards commensurate with the quality of the reclaimed water and its intended reuse. This regulation also details requirements for application and permitting; design, construction, operation and maintenance of water reclamation systems and reclaimed water distribution systems; management of pollutants from significant industrial users; access control and signage; public education and notification; management of reclaimed water in use areas; recordkeeping; and reporting. The treatment standards and other requirements of the proposed regulation will be implemented through VPDES or VPA permits issued primarily to generators and distributors of the reclaimed water.

Issues: The advantages of the proposed regulation to the public are that it will provide uniform and consistent requirements for water reclamation and reuse statewide, permitting requirements for primarily generators and distributors of reclaimed water, but rarely for end users; minimal additional permits by implementation through existing VPDES and VPA permit programs and modification of existing permits thereof; standards of reclaimed water treatment for six reuse categories that are commensurate with level of human health protection necessary for those reuses; and a process for case-by-case approval of unlisted reuses. Although the Technical Advisory Committee (TAC) that assisted the agency's effort to develop this regulation generally supported it, some TAC members felt that parts of the regulation would be excessive and overly burdensome to the public and would, therefore, discourage water reclamation and reuse. In response, the agency further refined the proposed regulation to ensure that it would meet the stated purpose of State Water Control Law to promote and

encourage the reclamation and reuse of wastewater in a manner protective of the environment and public health.

Although a regulatory framework for land treatment of wastewater has been established through the Sewage Collection and Treatment Regulations (9 VAC 25-790), the Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32) and the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31), these regulations do not clearly distinguish reuse irrigation from land treatment irrigation and do not prescribe reclaimed water treatment standards and technical requirements for other uses of reclaimed water (e.g., industrial cooling processes, fire protection, street washing, construction, etc.). The proposed regulation will address these issues for the agency while maintaining the same permitting options used for land treatment of wastewater. The disadvantage to the agency resulting from this proposed regulation will be additional costs and labor for the review and data storage of monthly monitoring reports, inspections, enforcement and general program administration.

The proposed regulation contains requirements that will support and work in concert with the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9 VAC 25-820). The General Permit Regulation allows facilities to report a reduced waste load discharge of total nitrogen (N) and total phosphorus (P) for water reclamation and reuse. A permittee reporting this reduction must demonstrate that reuses of the reclaimed water will result in a reduced nutrient load to the Chesapeake Bay and its tributaries, and that these reuses are not alternative transport mechanisms for the nutrient load. The proposed regulation contains requirements to manage nutrients from irrigation reuse, and to track and report nutrient loads for specific types of irrigation reuse. This information can be used by permittees, in part, to comply with demonstration requirements of the General Permit Regulation.

Depending on the type of irrigation reuse and the nutrient content of the reclaimed water, wastewater treatment facilities with the above general permit may not be able to claim reduced waste load discharge of total N and P for all N and P diverted to irrigation reuse. For nonbulk irrigation with reclaimed water not meeting biological nutrient removal (BNR) (i.e., annual average 8 mg/l total N and 1 mg/l total P), assumed losses to state waters of annual N and P loads applied within a service area will be 30% and 20%, respectively. For bulk irrigation with reclaimed water not meeting BNR, the assumed losses of annual N and P loads will be 15% and 10%, respectively, in addition to nutrient management plan requirements.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The State Water Control Board (Board) proposes to promulgate the Water Reclamation and Reuse Regulation to promote and encourage the reclamation and reuse of wastewater in a manner that is protective of the environment and public health. The regulation will establish permitting requirements, general requirements for design, operation and maintenance, quality standards, monitoring requirements, and approved reuses for reclaimed water.

The requirements of the proposed regulation shall apply to all new wastewater reclamation systems, reclaimed water distribution systems and, as applicable, water reuses for which Virginia Pollution Abatement (VPA) or Virginia Pollutant Discharge Elimination System (VPDES) permit¹ applications are received after the effective date of this regulation. Existing permitted facilities producing, distributing or using reclaimed water would not be required to comply with this regulation unless such facilities are modified or expanded.

Results of Analysis. The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact. Currently, some of the facilities in the Commonwealth are allowed under their VPA permits or VPDES permits to produce and distribute reclaimed water². Any treatment works treating domestic, municipal or industrial wastewater that produces reclaimed water or a facility that distributes reclaimed water is required to obtain either a VPA permit if a discharge to surface waters is not involved, or a VPDES permit if a discharge to surface waters is involved. Except for some irrigation projects, end users of reclaimed water are not required to get a permit and have been regulated indirectly through the producers' or suppliers' VPA or VPDES permit.

As required by the Code of Virginia, the Board proposes to adopt the Water Reclamation and Reuse Regulation to promote and encourage the reclamation and reuse of wastewater that are protective of public health and the environment as an alternative to directly discharging pollutants into state waters. The regulation will establish permitting requirements, general requirements for design, operation and maintenance, quality standards, monitoring requirements, and approved reuses for reclaimed water.

The proposed regulation recognizes that different uses of water can tolerate different levels of water quality depending on the potential health and environmental risks. It establishes technical requirements for reclamation and treatment standards for reclaimed water relative to the potential for discharge to the environment and for human contact by specific reuse categories. When properly regulated, the use of reclaimed water treated to Level 1 and Level 2 standards³ for purposes that are commensurate with the risk associated with

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its uses will likely increase the amount of potable water available for other necessary uses and will lead to a more efficient allocation of the existing water resources, without creating hazards to public health or the environment.

According to the proposed regulation, reclaimed water treated to Level 1 standard may be used for the following categories: 1) urban - unrestricted access⁴: including all types of landscape irrigation in public access areas (i.e., golf courses, cemeteries, public parks, school yards and athletic fields), toilet flushing – non-residential, fire fighting or protection and fire suppression in non-residential buildings, outdoor domestic or residential reuse (i.e., lawn watering and non-commercial car washing), commercial car washes, and commercial air conditioning systems, 2) irrigation – unrestricted access: irrigation for any food crops not commercially processed, including crops eaten raw, 3) landscape impoundments with potential for public access or contact, and 4) commercial laundries.

Reclaimed water treated to Level 2 standard may be used for the following purposes: 1) irrigation – restricted access⁵: irrigation for any food crops commercially processed, irrigation for non-food crops and turf, including fodder, fiber and seed crops, pasture for foraging livestock, sod farms, ornamental nurseries, and silviculture, 2) landscape impoundments with no potential for public access or contact, 3) construction, including soil compaction, dust control, washing aggregate, and making concrete, 4) industrial uses such as livestock watering, aquaculture, stack scrubbing, street washing, boiler feed, ship ballast, once-through cooling, and re-circulating cooling towers.

For irrigation with reclaimed water treated to Level 2 standard, unless Level 1 disinfection is provided, the proposed regulation prohibits 1) grazing by milking animals on the irrigation reuse site for 15 days after irrigation with reclaimed water ceases, 2) harvesting, retail sale or allowing access by the general public to ornamental nursery stock or sod farms for 14 days after irrigation with reclaimed water ceases. According to DEQ, these exclusion periods are established based on the Environmental Protection Agency (EPA)'s report "Guidelines for Water Reuse" and are believed to be necessary to protect the public health and the environment.

However, allowing the use of reclaimed water treated to Level 2 standard for irrigation on restricted access areas with certain exclusion periods likely impose some hazards to public health. The proposed regulation requires that regulation and management of individual end users of reclaimed water shall be by the permittee⁶ through service agreements or contracts between the permittee and the individual end users. The permittee is required to monitor the end users to verify compliance with the terms of their agreements or contracts. Monitoring shall include, at a

minimum, metering the volume of reclaimed water consumed by end users.

The proposed regulation requires that the service agreement or contract between the permittee and the end users include the following language: the permittee shall reserve the right to terminate the agreement and withdraw service for any failure by the end user to comply with the terms and conditions of the agreement or contract if corrective action for such failure is not taken by the end user. However, the permittee will likely not have the capability of detecting all violations by the end users nor the incentive to go out of their way to find violations since the permittee is after all earning revenue by selling reclaimed water to the end users. Therefore, allowing the use of reclaimed water treated to Level 2 standard for irrigation on restricted access areas while providing an exclusion period would likely result in some incidences where milking animals graze on the irrigation reuse site prior to 15 days after irrigation with reclaimed water ceases, and some instances where harvesting, retail sale or access by the general public to ornamental nursery stock or sod farms prior to 14 days after irrigation with reclaimed water ceases. These incidences could be avoided by requiring that reclaimed water treated to Level 1 standard be used for irrigation on restricted access areas to ensure the protection of public health. Producing reclaimed water treated to Level 1 standard is of course more expensive than reclaimed water treated to Level 2 standard, though.

The proposed regulation will likely encourage both the supply of and the demand for reclaimed water. From the supply side, the proposed regulation will establish uniform conditions and standards for water reclamation and reuse and thus will reduce the uncertainty and facilitate the installation and operation of wastewater reclamation and reuse systems. The proposed regulation will also increase the awareness of the potential end users of the opportunities of using reclaimed water in a manner that is protective of public health and the environment and will likely increase the demand for reclaimed water.

For new water reclamation and reuse systems that produce the reclaimed water, the benefit would be the potential profit from selling the reclaimed water or potential cost savings from self use of reclaimed water. The cost for new facilities would include three parts. 1) Cost of obtaining a VPA or VPDES permit. The owner of the new reclamation system and the owner of the reclaimed water distribution system or the reclaimed water agent are required by the proposed regulation to obtain either a VPA permit if a discharge to surface waters is not involved, or a VPDES permit if a discharge to surface waters is involved. According to the Department of Environmental Quality (DEQ), the cost of obtaining a VPA or VPDES permit ranges from \$750 to \$15,000 and from \$2,000 to \$24,000, respectively. 2) Cost of installing a water reclamation system, which will depend on the techniques and the capacity of the system. For example,

DEQ estimates that a water reclamation system that could treat wastewater to Level 2 standard with a capacity of 0.5 Million Gallons per Day (MGD) would cost \$179,000⁷ plus the real estate costs, marketing and distribution costs. It would cost another \$250,000 to modify the same facility to achieve Level 1 reclaimed water treatment standards without Biological Nutrient Removal (BNR)⁸. If the facility chooses to install the BNR technology to reduce the nutrient level in the treated water, it would incur an additional cost ranging from \$1.5 million to \$3 million. 3) Other compliance costs, including the time spent on record-keeping, reporting, costs of preparing the Reclaimed Water management (RWM) plan as required for permit applications, and other costs associated with activities required in the RWM plan. DEQ estimates that the time spent on record-keeping will be no more than 2 hours a month. No significant expenses are expected for reporting, except when the reclaimed water that does not meet the BNR condition of quality is used for irrigation. DEQ estimates that when the reclaimed water is used for irrigation that does not meet the BNR condition of quality, it will take the distributor approximately 10 hours for a one-time reporting process development system and then 2-3 hours a year thereafter. The time for preparing the RWM plan will vary depending on the site and facility specific factors but will generally be a one-time process of 10-15 hours with 2-3 hours a month thereafter for regular updates. According to DEQ, the facilities will also spend a small amount of time on monitoring of the end users⁹, periodical inspections to prevent cross-connections to a potable water system and backflow from industrial end users, as well as monthly monitoring of N and P loads by non-bulk irrigation reuses. The facilities will also spend some time on the education and notification program for reuses that requires Level 1 reclaimed water. The proposed regulation requires the producers or the distributors to develop an education and notification program for reuses that require Level 1 reclaimed water to ensure that end users and the public likely to have contact with reclaimed water are informed of the origin, nature, and characteristics of the reclaimed water; the manner in which the reclaimed water can be used safely; and uses for which the reclaimed water is prohibited or limited. The producers or the distributors are required to maintain a procedure to notify end users and the affected public of treatment failures at the reclamation system that can adversely impact human health, or result in loss of reclaimed water service.

Given that a rational facility will opt to install the water reclamation and reuse system only when the estimated long-term total benefit exceeds the estimated total cost, the proposed regulation will likely create a net benefit for new facilities in the long run.

Existing facilities will likely not incur any additional costs unless they are to be modified or expanded, while they will benefit from an increased demand for reclaimed water. According to DEQ, currently there are two existing water

reclamation and reuse facilities in the Commonwealth. There are also 270 VPA permitted facilities and 1,115 VPDES permitted facilities that are allowed to install water reclamation and reuse systems under their permits, but have not chosen to do so. If the existing water reclamation facilities choose to modify or expand their systems, or if the currently permitted facilities choose to install the water reclamation systems, they may incur the second part of the cost as discussed above depending on the techniques they choose as well as some of the costs in part 3). Again, given that the facilities will opt to modify or install the water reclamation and reuse systems only when their estimated long-term total benefit from selling the reclaimed water or from self use of the reclaimed water exceeds the estimated total cost, the proposed regulation will likely create a net benefit for these two types of facilities in the long run.

The proposed regulation will likely benefit the potential end users by allowing and encouraging the use of reclaimed water for purposes where potable water is not necessary in terms of less public contact and low risk to public health and the environment. According to DEQ, the price of reclaimed water is estimated to range from 47% to 75% of the price of potable water depending on the areas and the price of reclaimed water treated to Level 1 standard is usually higher than reclaimed water treated to Level 2 standard. Some new end users, when choosing to use reclaimed water, will be required to obtain a permit if they receive reclaimed water directly from more than one reclamation system, satellite reclamation system, reclaimed water distribution system, or a combination thereof. As discussed above, the cost of obtaining a VPA permit ranges from \$750 to \$15,000, and the cost of obtaining a VPDES permit ranges from \$2,000 to \$24,000. New bulk irrigation users are required to develop a Nutrient Management Plan (NMP) if the reclaimed water used is not treated to achieve Biological Nutrient Removal (BNR)¹⁰. DEQ estimates that the average cost of developing a NMP is approximately \$650 for a typical Virginia farm. Bulk irrigation users¹¹ will be required to develop a site plan for each bulk irrigation reuse site, with each site plan taking about eight hours to finish according to DEQ. Given that the potential end users will come into the market only if the total benefit from using reclaimed water instead of potable water exceeds the total cost, the proposed regulation will likely create a net benefit for the potential end users. The proposed regulation will likely not impose any additional costs to the existing end users. Existing end users may actually benefit with a more competitive market for reclaimed water.

Businesses and Entities Affected. The proposed regulation affects new facilities that produce and distribute reclaimed water and the potential end users. Existing facilities will not be affected unless they are to be modified or expanded. According to DEQ, currently there are two existing water reclamation and reuse facilities in the Commonwealth. There are also 270 VPA permitted facilities and 1,115 VPDES

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permitted facilities that are allowed to install water reclamation and reuse systems under their permits but have not chosen to do so.

Localities Particularly Affected. The proposed regulation affects all localities in the Commonwealth.

Projected Impact on Employment. The proposed regulation will promote the reclamation and reuse of wastewater and will likely encourage the establishment of new water reclamation systems, which may create more jobs for citizens in the Commonwealth.

Effects on the Use and Value of Private Property. The proposed regulation will likely encourage new facilities to produce and distribute reclaimed water, or the existing permitted facilities to install the water reclamation system. These facilities will likely receive a net benefit in the long run, which may have a positive impact on their asset values. The potential users will likely receive a net benefit from reduced costs of using reclaimed water, which may have a positive impact on their asset values.

Small Businesses: Costs and Other Effects. According to DEQ, approximately 80% of the existing permitted facilities are small businesses. They are allowed to install water reclamation and reuse systems under their permits but have not chosen to do so. The proposed regulation will likely create a net benefit for small businesses that opt to install water reclamation and reuse systems. The proposed regulation will also benefit the potential small end users with reduced costs from using reclaimed water rather than potable water.

Small Businesses: Alternative Method that Minimizes Adverse Impact. Small businesses will likely not be adversely affected.

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 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.

1 "Virginia Pollution Abatement (VPA) Permit" means a document issued by the Board, pursuant to the Virginia Pollution Abatement Permit Regulation (9 VAC 25-32-10 et seq.), authorizing pollutant management activities under prescribed conditions. "Virginia Pollutant Discharge Elimination System (VPDES) Permit" means a document issued by the Board, pursuant to the Virginia Pollutant Discharge Elimination System Permit Regulation (9 VAC 25-31-10 et seq.), authorizing, under prescribed conditions the potential or actual discharge of pollutants from a point source to surface waters and the use or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to an NPDES permit.

2 "Reclaimed water" means water resulting from the treatment of domestic, municipal or industrial wastewater that is suitable for a water reuse that would not otherwise occur. Specifically excluded from this definition is "gray water".

3 According to the proposed regulation, "Level 1" means a degree of treatment at which reclaimed water has received, at a minimum, secondary treatment with filtration and higher-level disinfection, and meets all other applicable standards specified in 9 VAC 25-740-70. "Level 2" means a degree of treatment at which reclaimed water has received, at a minimum, secondary treatment and standard disinfection, and meets all other applicable standards specified in 9 VAC 25-740-70.

4 "Unrestricted access" means unlimited or minimally limited access by humans to areas where non-potable water, including reclaimed water, is used, resulting in a high potential for human contact.

5 "Restricted access" means limited access by humans to areas where, non-potable water, including reclaimed water, is used, resulting in minimal or no potential for human contact.

6 Permittees include producer, distributor, and end users receiving reclaimed water from more than one supplier.

7 This cost is estimated based on the costs of an existing wastewater treatment facility.

8 "Biological Nutrient Removal (BNR)" means treatment which achieves an annual average of 8 mg/l total nitrogen (N) and 1 mg/l total phosphorus (P).

9 According to the proposed regulation, monitoring shall include, at a minimum, metering the volume of reclaimed water consumed by end users.

10 "Biological Nutrient Removal (BNR)" means treatment which achieves an annual average of 8 mg/l total nitrogen (N) and 1 mg/l total phosphorus (P).

11 "Bulk irrigation reuse" means reuse of reclaimed water for irrigation of an area greater than five acres on one contiguous property.

Agency's Response to 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 regulation establishes requirements for the reclamation and reuse of wastewater that are protective of state waters and public health. Contained in the regulation are two sets of treatment standards and monitoring requirements for the reclamation of municipal wastewater, and provisions to develop treatment standards for the reclamation of industrial wastewater on a case-by-case basis. For six reuse categories (urban – unrestricted access, irrigation - unrestricted access, irrigation – restricted access, landscape impoundments, construction, and industrial), the regulation specifies the required treatment standards and allows for the approval of other reuses and associated treatment standards commensurate with the quality of the reclaimed water and its intended reuse. This regulation also details requirements for application and permitting; design, construction, operation and maintenance of water reclamation systems and reclaimed water distribution systems; management of pollutants from significant industrial users; access control and signage; public education and notification; management of reclaimed water in use areas; recordkeeping; and reporting.

CHAPTER 740

WATER RECLAMATION AND REUSE REGULATION

Part I

Definitions and General Program Requirements

9VAC25-740-10. Definitions.

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

"Biological nutrient removal (BNR)" means treatment that achieves an annual average of 8 mg/l total nitrogen (N) and 1 mg/l total phosphorus (P).

"Board" means the Virginia State Water Control Board or State Water Control Board.

"Bulk irrigation reuse" means reuse of reclaimed water for irrigation of an area greater than five acres on one contiguous property.

"Class I reliability" means a measure of reliability that requires a treatment works design to provide continuous satisfactory operation during power failures, flooding, peak loads, equipment failure, and maintenance shut-down. Design features of this class shall include additional electrical power sources, additional flow storage capacity, and additional treatment unit operations that provide for alternate operation in accordance with the issued certificate or permit requirements.

"Controlled use" means a use of reclaimed water authorized in accordance with this regulation.

"Corrective action threshold" means a bacterial, turbidity or total residual chlorine standard for reclaimed water at which measures shall be implemented to correct operational problems of the reclamation system within a specified period, or divert flow from the reclamation treatment process in accordance with this regulation.

"Direct beneficial use" means the use of reclaimed water in a manner protective of the environment and public health that involves transport of the reclaimed water from the point of reclamation treatment and production to the point of use without an intervening discharge to waters of the state.

"Direct potable reuse" means the discharge of reclaimed water directly into a drinking water treatment facility or into a drinking water distribution system. This includes storage facilities associated with the drinking water treatment facility or drinking water distribution system that are not surface or ground waters of the state.

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

"Disinfection" means the destruction, inactivation, or removal of pathogenic microorganisms by chemical, physical, or biological means. Disinfection may be accomplished by chlorination, ozonation, or other chemical disinfectants; UV radiation; or other processes.

"Disposal" means the discharge of effluent to injection wells, effluent outfalls, subsurface drain fields, or other facilities utilized primarily for the release of effluents into the environment without deriving a direct beneficial use.

"Domestic sewage" means sewage derived from the normal family or household activities, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

"Drip irrigation" means the slow and uniform aboveground application of water to individual plants and vegetated cover using tubing and drip devices or emitters. Drip irrigation may include below-ground applications of reclaimed water as specified in 9VAC25-740-90 B.

"Effluent," unless specifically stated otherwise, means treated wastewater that is not reused after flowing out of any treatment works.

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"End user" means a person or entity that directly uses reclaimed water.

"Filtration" means the passing of wastewater through a conventional technology, such as sand, anthracite or cloth; or an advanced technology, such as microfiltration, ultrafiltration, nanofiltration or reverse osmosis membrane.

"Food crops commercially processed" means food crops that, prior to sale to the public or others, have undergone chemical or physical processing sufficient to remove or destroy pathogens.

"Food crops not commercially processed" means food crops that, prior to sale to the public or others, have not undergone chemical or physical processing sufficient to remove or destroy pathogens.

"Gray water" means untreated wastewater from bathtubs, showers, lavatory fixtures, wash basins, washing machines, and laundry tubs. It does not include wastewater from toilets, urinals, kitchen sinks, dishwashers, or laundry water from soiled diapers.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of this Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Indirect potable reuse" means the discharge of reclaimed water to a receiving surface water for the purpose of intentionally augmenting a water supply source, with subsequent withdrawal after mixing with the ambient surface water and transport to the withdrawal location, followed by treatment and distribution for drinking water and other potable water purposes.

"Indirect reuse" means the use of reclaimed water subsequent to discharge to surface waters of the state, including wetlands, pursuant to a VPDES permit.

"Industrial wastewater" means wastewater resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

"Irrigation" means the application of water to land for plant use at a rate that undesirable plant water stress does not occur.

"Landscape impoundment" means a body of water that contains reclaimed water, is not intended for public contact, and is used primarily for aesthetic enjoyment. Landscape impoundments include, but are not limited to, decorative pools, fountains, ponds and lagoons; located outdoors or indoors.

"Level 1" means a degree of treatment at which reclaimed water has received, at a minimum, secondary treatment with

filtration and higher-level disinfection, and meets all other applicable standards specified in 9VAC 25-740-70.

"Level 2" means a degree of treatment at which reclaimed water has received, at a minimum, secondary treatment and standard disinfection, and meets all other applicable standards specified in 9VAC 25-740-70.

"Municipal wastewater" means sewage.

"Nonbulk irrigation reuse" means the reuse of reclaimed water for irrigation of individual areas less than or equal to five acres.

"Nonpotable water" means any water, including reclaimed water, not meeting the definition of potable water.

"Nonsystem storage" means storage for reclaimed water that is other than system storage and is used at a location downstream of the service connection to the reclaimed water distribution system to equalize flow to end users.

"Nutrient management plan (NMP)" means a plan prepared by a nutrient management planner certified by the Department of Conservation and Recreation to manage the amount, placement, timing, and application of plant nutrients from liquid, solid or semisolid manures, fertilizers, biosolids, or other materials, for the purpose of producing crops and reducing nutrient loss to the environment.

"Owner" means the Commonwealth or any of its political subdivisions including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for the production or distribution of reclaimed water, or any facility or operation that produces or distributes reclaimed water.

"Permit" means an authorization, certificate, license, or equivalent control document issued by the board to implement the requirements of this regulation.

"Point of compliance" means a point at which compliance with the standards of this regulation is required.

"Pollutants of concern" means any pollutants that might reasonably be expected to be discharged to a publicly or privately owned treatment works in sufficient amounts to pass through or interfere with the works, contaminate sludge generated by the works, cause problems in the collection system of the works, or jeopardize the health of employees at the works and the public.

"Potable water" means water fit for human consumption and domestic use that is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally

adequate in quantity and quality for the minimum health requirements of the persons served.

"Public access area" means an area that is intended to be accessible to the general public, such as golf courses, cemeteries, parks, athletic fields, school yards, and landscape areas. Public access areas include private property that is not open to the public at large, but is intended for frequent use by many persons. Presence of authorized farm personnel or other authorized treatment plant, utilities system, or reuse system personnel does not constitute public access.

"Reclamation" means the treatment of domestic, municipal or industrial wastewater or sewage to produce reclaimed water for a water reuse that would not otherwise occur.

"Reclamation system" means a treatment works that treats domestic, municipal or industrial wastewater or sewage to produce reclaimed water for a water reuse that would not otherwise occur.

"Reclaimed water" means water resulting from the treatment of domestic, municipal or industrial wastewater that is suitable for a water reuse that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclaimed water agent" means a person or entity that holds a permit to distribute reclaimed water to one or more end users.

"Reclaimed water distribution system" means a network of pipes, pumping facilities, storage facilities, and appurtenances designed to convey and distribute reclaimed water from one or more reclamation systems to one or more end users.

"Reuse" or "water reuse" means the use of reclaimed water for a direct beneficial use, an indirect potable reuse, or a controlled use in accordance with this regulation.

"Reuse system" means an installation or method of operation that uses reclaimed water for a water reuse in accordance with this regulation.

"Restricted access" means limited access by humans to areas where, nonpotable water, including reclaimed water, is used, resulting in minimal or no potential for human contact.

"Satellite reclamation system" means a conjunctive wastewater treatment facility and reclamation system that operates within or parallel to a sewage collection system to treat a portion of the available wastewater flow in the collection system to produce reclaimed water for reuse. Satellite reclamation systems do not have a discharge to surface waters, but may return their treatment process wastewater and residuals to the sewage collection system.

"Secondary treatment" means a biological treatment process for wastewater that achieves the minimum level of effluent quality defined by the federal secondary treatment regulation in 40 CFR §133.102 (2001).

"Service area" means a geographic area that receives reclaimed water from a reclaimed water distribution system or directly from a reclamation system for approved reuses within that area.

"Sewage" means the water-carried human wastes and nonwater-carried human excrement, kitchen, laundry, shower, bath or lavatory wastes, separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

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

"State Water Control Law or Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

"Supplemental irrigation" means irrigation with reclaimed water in addition to rainfall, which in combination with rainfall, meets the water demands of the irrigated vegetation to maximize production or optimize growth.

"Surface waters" means all waters in the Commonwealth, except ground water as defined in §62.1-255 of the Code of Virginia.

"System storage" means storage on or off the site and considered part of a reclamation system, satellite reclamation system, or reclaimed water distribution system that is used to store reclaimed water produced by the reclamation system or satellite reclamation system and to equalize flow to or within a reclaimed water distribution system.

"Treatment works" means any devices and systems used for the storage, treatment, recycling or reclamation of sewage or liquid industrial waste, or other waste, or that are necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations thereof; or any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

"Unrestricted access" means unlimited or minimally limited access by humans to areas where nonpotable water, including reclaimed water, is used, resulting in a high potential for human contact.

"User" means end user.

"Virginia Pollution Abatement (VPA) Permit" means a document issued by the board, pursuant to the Virginia

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Pollution Abatement Permit Regulation (9VAC25-32), authorizing pollutant management activities under prescribed conditions.

"Virginia Pollutant Discharge Elimination System (VPDES) Permit" means a document issued by the board, pursuant to the Virginia Pollutant Discharge Elimination System Permit Regulation (9VAC 25-31), authorizing, under prescribed conditions the potential or actual discharge of pollutants from a point source to surface waters and the use or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to an NPDES permit.

"Wastewater" means untreated liquid and water carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions.

"Water reclamation" means the reclamation of wastewater or treated effluent for reuse.

9VAC25-740-20. Purpose.

In accordance with §§62.1-44.2, 62.1-44.3 and 62.1-44.15 of the Code of Virginia, it is the purpose of this regulation to promote and encourage the reclamation of wastewater, here after referred to as water reclamation, and water reuse in a manner that is protective of the environment and public health, and as an alternative to discharging treated effluent to state waters. For this purpose, the regulation establishes permitting requirements, general requirements for design, operation and maintenance; quality standards, monitoring requirements, and approved reuses for reclaimed water.

9VAC25-740-30. Applicability and transition.

A. The requirements of this regulation shall apply to water reclamation systems, reclaimed water distribution systems, and water reuse unless specifically excluded under 9VAC25-740-50 A. The requirements shall apply to all new water reclamation systems, reclaimed water distribution systems and, as applicable, water reuses for which Virginia Pollution Abatement (VPA) or Virginia Pollutant Discharge Elimination System (VPDES) permit applications are received after the [effective date of this regulation] . The requirements may also be applied to all existing permitted facilities producing, distributing or using reclaimed water through a permit modification or reissuance procedure and shall be applied when such facilities are to be modified or expanded unless specifically excluded under 9VAC25-740-50 A. The owners of existing water reclamation systems, reclaimed water distribution systems and, as applicable, water reuses that do not have a VPA or VPDES permit shall submit a complete VPA or VPDES permit application or other necessary information as prescribed under 9VAC25-740-40 within 180 days of being requested by the board.

B. For the purposes of this regulation, modification of a VPDES or VPA permit to incorporate standards, monitoring

requirements and special conditions that address water reclamation and reuse shall be considered a minor modification unless they alter other conditions of the permit specifically related to an effluent discharge or pollutant management activity for which the permit was originally issued.

9VAC25-740-40. Permitting requirements.

A. The owner of the reclamation system and the owner of the reclaimed water distribution system or the reclaimed water agent shall obtain a VPDES or VPA permit to produce and distribute reclaimed water, unless otherwise excluded from the requirements of this regulation under 9VAC25-740-50 A. Where both the reclamation system and the reclaimed water distribution system are under common ownership and management, one permit may be issued to the owner. Permit coverage may be provided through modification or reissuance of an existing VPDES or VPA permit to include standards, monitoring requirements and special conditions that address water reclamation and reuse.

B. The owner of a satellite reclamation system shall obtain a VPA permit. Alternatively and at the discretion of the board, a satellite reclamation system may be authorized under a VPA or VPDES permit issued to a wastewater treatment facility that is under common ownership or management with the satellite reclamation system and receives wastewater and residuals discharged by the satellite reclamation system.

C. Regulation and management of individual end users of reclaimed water shall be by the permittee with whom the end users have a service connection, and through service agreements or contracts between the permittee and the individual end users.

D. A separate permit shall be issued to an end user only if the end user receives reclaimed water directly from more than one reclamation system, satellite reclamation system, reclaimed water distribution system, or a combination thereof. An end user may be authorized under the permit issued to one of the reclamation systems, satellite reclamation systems, or reclaimed water distribution systems that supply reclaimed water to the end user, provided the end user owns or manages the permitted system.

E. Property irrigated with reclaimed water from a reclamation system or reclaimed water distribution system under common ownership or management with the property receiving the reclaimed water, shall be regulated by the permit issued to the reclamation system or reclaimed water distribution system, whichever directly supplies reclaimed water to the irrigated property.

F. A reclamation system shall not discharge reclaimed or reject water to surface waters of the state in lieu of providing storage, discharging to another permitted reuse system, if applicable; returning reclaimed or reject water to a wastewater treatment facility; or suspending production of

reclaimed water; without authorization to discharge under a VPDES Permit.

9VAC25-740-50. Exclusions and prohibitions.

A. Exclusions. The following are excluded from the requirements of this regulation:

1. Activities permitted by the Virginia Department of Health, such as, but not limited to, septic tank drainfield systems and other on-site sewage treatment and disposal systems, and water treatment plant recycle flows.

2. Utilization of gray water.

3. Nonpotable water produced and utilized on-site by the same treatment works. This includes the use of nonpotable water at the treatment works site for incidental landscape irrigation that is not identified as land treatment defined in the Sewage Collection and Treatment Regulations (9VAC25-790). The treatment works site shall include property that is either contiguous to or in the immediate vicinity of the parcel of land upon which the treatment works is located, provided such property is under common ownership or management with the treatment works.

4. Recycle flows within a treatment works.

5. Industrial effluents or other industrial water streams created prior to final treatment and used for water re-circulation, recycle, or reuse systems located on the same property as the industrial facility, provided:

a. The water used in these systems does not contain or is not expected to contain pathogens or other constituents in sufficient quantities and with a potential for human contact as may be harmful to human health;

b. These systems are closed or isolated to prevent worker contact with the water of the systems; or

c. Other measures are in place to adequately inform and protect employees from pathogens or other constituents that may be harmful to human health in the water to be re-circulated, recycled or reused at the facility.

6. Land treatment systems defined in the Sewage Collection and Treatment Regulations (9VAC25-790). Such use of wastewater effluent, either existing or proposed, must be authorized by a VPA or VPDES permit and must be on land owned or under the direct long-term control of the permittee.

7. Indirect reuse with the exception of indirect potable reuse projects proposed after the effective date of this regulation.

8. Existing indirect potable reuse projects that upon the effective date of this regulation are authorized by a VPDES permit to discharge to surface waters of the state, and future expansions of these projects.

9. Direct injection of reclaimed water into any underground aquifer authorized by EPA under the Safe Drinking Water Act, Underground Injection Control Program (UIC), 40 CFR Part 144; or other applicable federal and state laws and regulations.

Exclusion from the requirements of this regulation does not relieve any owner of the above operations of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulations.

B. Prohibitions. The following are prohibited under this regulation:

1. Direct potable reuse;

2. The reuse of reclaimed water for any purpose inside a residential or domestic dwelling or a building containing a residential or domestic unit;

3. The reuse of reclaimed water to fill residential swimming pools, hot tubs or wading pools;

4. The reuse of reclaimed water for food preparation or incorporation as an ingredient into food or beverage for human consumption;

5. Bypass of untreated or partially treated wastewater from the reclamation system or any intermediate unit process to the point of reuse unless the bypass complies with standards and requirements specified in 9VAC25-740-70 and is for essential maintenance to assure efficient operation; and

6. The return of reclaimed water to the reclaimed water distribution system after the reclaimed water has been delivered to an end user.

9VAC25-740-60. Relationship to other board regulations.

A. Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32). The VPA Permit Regulation delineates the procedures and requirements to be followed in connection with the VPA permits issued by the board pursuant to the State Water Control Law. While any treatment works treating domestic, municipal or industrial wastewater that produces reclaimed water or a facility that distributes reclaimed water in a manner that does not result in a discharge to surface waters is required to obtain a VPA permit, this chapter prescribes design, operation and maintenance standards for water reclamation and water reuse. These requirements shall be incorporated into the VPA permit application and the VPA permit when applicable.

B. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31). The VPDES Permit Regulation delineates the procedures and requirements to be followed in connection with VPDES permits issued by the board pursuant to the Clean Water Act and the State Water Control Law. While any treatment works treating domestic, municipal or industrial wastewater that produces

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reclaimed water or a facility that distributes reclaimed water in a manner that results in a discharge to surface waters is required to obtain a VPDES permit, this chapter prescribes design, operation and maintenance standards for water reclamation and reuse. These requirements shall be incorporated into the VPDES permit application and the VPDES permit when applicable.

C. Sewage Collection and Treatment Regulations (9VAC25-790). The Sewage Collection and Treatment Regulations establish standards for the operation, construction, or modification of a sewerage system or treatment works, including land treatment systems. This chapter prescribes design, operation and maintenance standards for water reclamation and reuse.

D. Regulation for Nutrient Enriched Waters and Discharges within the Chesapeake Bay Watershed (9VAC 25-40). Sections 62.1-44.19:12 through 62.1-44.19:19 of the Code of Virginia, which establishes the Regulation for Nutrient Enriched Waters and Discharges within the Chesapeake Bay Watershed (9VAC25-40), allows for the reuse of wastewater to reduce loads of total nitrogen and total phosphorus equivalent to reductions that would be provided by biological nutrient removal technology or state-of-the-art nutrient removal technology.

E. General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820). The General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia allows facilities to report a reduced waste load discharge of total nitrogen and total phosphorus for reclaiming and reusing water. A permittee reporting this reduction must demonstrate that the reuses of water will result in a reduced nutrient load to the Chesapeake Bay and its tributaries, and that these reuses are not alternative transport mechanisms for the nutrient load.

F. Local and Regional Water Supply Planning Regulation (9VAC25-780). The Local and Regional Water Supply Planning Regulation requires every county, city, and town to develop a water plan in accordance with established planning criteria. Where appropriate, the plan may consider nontraditional means of increasing supplies such as interconnection, desalination, recycling and reuse.

Part II

Reclaimed Water Standards, Monitoring Requirements and Reuses

9VAC25-740-70. Standards for reclaimed water.

A. Standards for reclaimed water are as follows:

1. Level 1:

a. Secondary treatment with filtration and higher-level disinfection

b. Bacterial standards:

(1) Fecal coliform* : monthly geometric mean** less than or equal to 14 colonies/100 ml; corrective action threshold at greater than 49 colonies/100 ml, or

(2) E. coli* : monthly geometric mean** less than or equal to 11 colonies/100 ml; corrective action threshold at greater than 35 colonies/100 ml, or

(3) Enterococci* : monthly geometric mean** less than or equal to 11 colonies/100 ml; corrective action threshold at greater than 24 colonies/100 ml

c. Total Residual Chlorine (TRC)** : corrective action threshold at less than 1 mg/l**** after a minimum contact time of 30 minutes at average flow or 20 minutes at peak flow

d. pH 6.0-9.0 standard units

e. Five-day Biochemical Oxygen Demand (BOD₅): monthly average less than or equal to 10 mg/l; or Carbonaceous Biochemical Oxygen Demand (CBOD)***** : monthly average less than or equal to 8 mg/l

f. Turbidity: Daily average of discrete measurements recorded over a 24-hour period less than or equal to 2 nephelometric turbidity units (NTU); corrective action threshold at greater than 5 NTU

2. Level 2:

a. Secondary treatment and standard disinfection

b. Bacterial standards:

(1) Fecal coliform* : monthly geometric mean** less than or equal to 200 colonies/100ml; corrective action threshold at greater than 800 colonies/100 ml, or

(2) E. coli* : monthly geometric mean** less than or equal to 126 colonies/100ml; corrective action threshold at greater than 235 colonies/100 ml, or

(3) Enterococci* : monthly geometric mean** less than or equal to 35 colonies/100ml; corrective action threshold at greater than 104 colonies/100 ml

c. Total Residual Chlorine (TRC)** : corrective action threshold at less than 1 mg/l**** after a minimum contact time of 30 minutes at average flow or 20 minutes at peak flow

d. pH 6.0-9.0 standard units

e. BOD₅: monthly average less than or equal to 30 mg/l; maximum weekly average 45 mg/l; or CBOD***** : monthly average less than or equal to 25 mg/l; maximum weekly average 40 mg/l

f. TSS: monthly average less than or equal to 30 mg/l; maximum weekly average 45 mg/l

* After disinfection.

** For the purpose of calculating the geometric mean, bacterial analytical results below the detection level of the analytical method used shall be reported as values equal to the detection level.

*** Applies only if chlorine is used for disinfection.

**** TRC less than 1.0 mg/l may be authorized by the board if demonstrated to provide comparable disinfection through a chlorine reduction program in accordance with the Sewage Collection and Treatment Regulations (9VAC25-790).

***** Applies only if CBOD is used in lieu of BOD₅

B. Point of compliance. Excluding the turbidity standard for Level 1 treatment, reclaimed water for reuse shall meet all other applicable standards in accordance with this regulation, at the point of compliance. The point of compliance for Level 1 treatment shall be after all reclaimed water treatment and any open system storage. The point of compliance for Level 2 treatment shall be after all reclaimed water treatment and prior to discharge to a reclaimed water distribution system. The point of compliance for the turbidity standard of Level 1 treatment shall be just upstream of disinfection.

C. Reclaimed water that fails to comply with the standards shall be managed as follows:

1. Should reclaimed water reach the corrective action threshold (CAT) for turbidity in the standard for Level 1, or for bacteria or TRC in the standards for Level 1 or 2, whichever applies, the operator of the reclamation system shall immediately initiate a review of treatment operations and data to identify the cause of the CAT monitoring results to bring the reclaimed water back into compliance with the standards. Resampling and operational review shall be performed in accordance with procedures described in an approved operations and maintenance manual for the reclamation system. Resampling shall occur within one hour of first reaching the CAT.

a. If subsequent monitoring results of the resamples collected within one hour of the first CAT monitoring results for turbidity or TRC continue to reach the CAT of the standards, the reclaimed water shall be considered substandard or reject water and shall be diverted to either storage for subsequent additional treatment or retreatment, or discharged to another permitted reuse system requiring a lower level of treatment not less than Level 2 or to a VPDES permitted effluent disposal system provided the reject water meets the effluent limits of the permit. If the reclamation system is unattended, the diversion of reject water shall be initiated and performed with automatic equipment. There shall be no automatic

restarts of distribution to reuse until the treatment problem is corrected. Failure to divert the substandard or reject water after one hour of CAT monitoring results shall be considered a violation of this regulation.

b. If subsequent monitoring results of the resample for bacteria (i.e., fecal coliform, E. coli or enterococci) also continue to reach the CAT of the standards or the operational review confirms that there exists a problem with the bacterial disinfection that can not be immediately corrected, the reclaimed water shall be considered substandard or reject water and shall be immediately diverted as described in subdivision C 1 a of this section, except that diversion shall be performed manually. Failure to divert the substandard or reject water at the earliest determination of CAT monitoring results for bacteria in the resample or a problem with the bacterial disinfection that can not be immediately corrected, shall be considered a violation of this regulation.

2. Repeated, although temporary, failure to comply with all other standards by the reclamation system may be considered a violation of this regulation determined by the frequency and magnitude of the noncompliant monitoring results and other relevant factors. Failure to resample after determination that monitoring results are not in compliance with the standards or failure to make adjustments to the treatment process to bring the reclaimed water back into compliance with the standards shall be considered a violation of this regulation.

D. Treatment other than or in addition to the standards of 9VAC25-740-70 A may be necessary based on the quality and character of the wastewater to be reclaimed or the intended reuse or reuses of the reclaimed water. Such alternative or additional treatment may be exempt from this regulation unless required by the board to protect public health and the environment.

E. Standards for the reclamation of industrial wastewater will be determined on a case-by-case basis relative to the proposed reuse or reuses of the reclaimed water and for the purpose of protecting public health and the environment. Industrial wastewater may also be subject to disinfection requirements of Level 1 or Level 2 if the industrial wastewater contains sewage or is expected to contain organisms pathogenic to humans, such as, but not limited to, wastewater from the production and processing of livestock and poultry. The point of compliance for reclamation standards of industrial wastewater shall also be determined on a case-by-case basis.

9VAC25-740-80. Reclaimed water monitoring requirements for reuse.

A. The monitoring requirements for the standards provided under 9VAC25-740-70 A, are as follows:

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1. Turbidity analysis shall be performed by a continuous, on-line turbidity meter equipped with an automated data logging or recording device and an alarm to notify the operator when the CAT for turbidity in the standard for Level 1 has been reached. Compliance with the average turbidity standard shall be determined daily, based on the arithmetic mean of hourly or more frequent discrete measurements recorded during a 24-hour period. Monitoring for the turbidity CAT shall be continuous.

Should the on-line turbidity meter go out of service for either planned or unplanned repair, the permittee shall be allowed to manually collect samples for turbidity analysis at four-hour intervals up to a maximum of five days. Following the five-day period of repair, continuous, on-line monitoring with a turbidity meter shall resume.

2. Sampling and analysis for residual concentrations of disinfectants, including total residual chlorine (TRC):

a. Shall for Level 1, be continuous on-line monitoring, equipped with an automated data logging or recording device and an alarm to notify the operator when the CAT for the disinfectant has been reached. For disinfectants other than chlorine, continuous on-line monitoring shall be provided at the point of compliance monitoring. For TRC, continuous on-line monitoring shall be provided at the end of the contact tank or contact period. Monitoring for the TRC CAT shall be continuous.

Should the on-line disinfectant monitoring equipment go out of service for either planned or unplanned repair, the permittee shall be allowed to manually collect samples for disinfectant analysis at four-hour intervals up to a maximum of five days. Following the five-day period of repair, continuous, on-line disinfectant monitoring shall resume.

b. Shall for Level 2, be based on the design flow of the reclamation system and be the same sampling type and frequency as specified for sewage treatment works in the Sewage Collection and Treatment Regulations (9VAC25-790). For chemical disinfectants other than TRC, monitoring shall be provided at the point of compliance monitoring. For TRC, monitoring shall be provided at the end of the contact tank or contact period.

3. Sampling for TSS and BOD₅ or CBOD shall be at least weekly or more frequently based on the design flow of the reclamation system, and shall be the same sampling type and frequency as specified for sewage treatment works in the Sewage Collection and Treatment Regulations (9VAC25-790). Compliance with the monthly average TSS and BOD₅ or CBOD standards shall be determined monthly, based on the arithmetic mean of all samples collected during the month. Compliance with the maximum weekly average TSS and BOD₅ or CBOD standards shall be determined monthly, using the same

procedures applied in the VPDES Permit program for point source discharges.

4. Sampling for fecal coliform, E. coli or enterococci:

a. Shall for Level 1, be grab samples collected at a time when wastewater characteristics are most representative of the treatment facilities and disinfection processes for water reuse, and at the following frequencies.

<u>Reclamation System Design Flow (MGD)^a</u>	<u>Bacterial Sampling Frequency^b</u>
<u>>0.500</u>	<u>Daily with the ability to reduce to no less than four days per week^c</u>
<u>0.050 to 0.500</u>	<u>4 days per week with the ability to reduce to no less than three days per week^c</u>
<u><0.050</u>	<u>Three days per week with no reduction allowed</u>

^a Million gallons per day

^b For reclamation systems treating municipal wastewater, bacterial samples shall be collected between 10 a.m. and 4 p.m.

^c Monitoring frequency may be reduced after demonstrating compliance with bacterial standards for Level 1 and adequate correlation between bacterial monitoring results and measurements for surrogate disinfection parameters, such as TRC and turbidity.

Compliance with the geometric mean standards for fecal coliform, E. coli or enterococci shall be determined monthly, based on all bacteriological monitoring results for that month. Monitoring of the CAT for fecal coliform, E. coli or enterococci shall be based on the bacteriological monitoring results determined for each day a sample is collected.

b. Shall for Level 2, be based on the design flow of the reclamation system and be the same sampling type and frequency as specified for sewage treatment works in the Sewage Collection and Treatment Regulations (9VAC25-790). Compliance with the geometric mean standard and monitoring of the CAT for fecal coliform, E. coli or enterococci shall be in accordance with the same procedures specified for Level 1 in subdivision A 4 a of this section.

5. Samples for pH shall be grab samples collected at least daily. Compliance with the range of the pH standard shall be determined daily based on the pH of the samples.

B. Samples collected for TSS, BOD₅ or CBOD, and fecal coliform, E. coli or enterococci analyses, shall be analyzed by laboratory methods accepted by the board.

C. A reclamation system that produces reclaimed water intermittently or seasonally shall monitor only when the reclamation system discharges to a reclaimed water distribution system, a non-system storage facility, or directly to a reuse.

D. Monitoring other than or in addition to that described under 9VAC25-740-80 A may be required for treatment of reclaimed water that is provided pursuant to 9VAC25-740-70 D and 9VAC25-740-70 E.

9VAC25-740-90. Minimum standard requirements for reuses of reclaimed water.

A. Minimum standard requirements for reclaimed water shall be determined, in part, by the reuse or reuses of that water. For specific reuses, the minimum standard requirements of reclaimed water are as follows:

Reuse Category	Reuse	Minimum Standard Requirements ^a
1. Urban – Unrestricted Access	<p>All types of landscape irrigation in public access areas (i.e., golf courses, cemeteries, public parks, school yards and athletic fields)</p> <p>Toilet flushing – nonresidential</p> <p>Fire fighting or protection and fire suppression in nonresidential buildings</p> <p>Outdoor domestic or residential reuse (i.e., lawn watering and noncommercial car washing)</p> <p>Commercial car washes</p> <p>Commercial air conditioning systems</p>	Level 1
2. Irrigation – Unrestricted Access ^b	Irrigation for any food crops not commercially	Level 1

	processed, including crops eaten raw	
3. Irrigation – Restricted Access ^{b, c}	Irrigation for any food crops commercially processed	Level 2
	Irrigation for nonfood crops and turf, including fodder, fiber and seed crops; pasture for foraging livestock; sod farms; ornamental nurseries; and silviculture	
4. Landscape Impoundments ^d	Potential for public access or contact	Level 1
	No Potential for public access or contact	Level 2
5. Construction ^e	<p>Soil compaction</p> <p>Dust control</p> <p>Washing aggregate</p> <p>Making concrete</p>	Level 2
6. Industrial ^e	Commercial laundries	Level 1
	<p>Livestock watering^f</p> <p>Aquaculture^g</p> <p>Stack scrubbing</p> <p>Street washing</p> <p>Boiler feed</p> <p>Ship ballast</p> <p>Once-through cooling^h</p> <p>Recirculating cooling towers^h</p>	Level 2

^a For reclaimed industrial wastewater, minimum standards required shall be determined on a case-by-case basis relative to the proposed reuse or reuses.

^b Reclaimed water treated to Levels 1 or 2 may be used for surface irrigation, including spray irrigation. Reclaimed water

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treated to Level 2 may be used for spray irrigation if the area to be irrigated restricts access to the public and has appropriate setbacks in accordance with 9VAC25-740-170. Reclaimed water treated to Level 1 or 2 may be used for irrigation of food crops eaten raw, excluding root crops, only when there will be no direct contact (or indirect contact via aerosol carry) between the reclaimed water and edible portions of the crop.

^c For irrigation with reclaimed water treated to Level 2, the following shall be prohibited unless Level 1 disinfection is provided:

1. Grazing by milking animals on the irrigation reuse site for 15 days after irrigation with reclaimed water ceases, and

2. Harvesting, retail sale or allowing access by the general public to ornamental nursery stock or sod farms for 14 days after irrigation with reclaimed water ceases.

^d Landscape impoundments may also be used to store reclaimed water for other subsequent reuses of that reclaimed water, such as irrigation, if included in an inventory of reclaimed water storage facilities submitted to the board pursuant to 9VAC25-740-110 C 15.

^e Worker contact with reclaimed water treated to Level 2 shall be minimized. Level 1 disinfection shall be provided when worker contact with reclaimed water is likely.

^f Level 1 disinfection shall be provided when the reclaimed water is consumed by milking livestock.

^g Level 1 disinfection shall be provided for aquaculture production of fish to be consumed raw, such as for sushi.

^h Windblown spray generated by once-through cooling or recirculating cooling towers using reclaimed water treated to Level 2, shall not reach areas accessible to workers or the public. See also setback requirements in 9VAC 25-740-170 for open cooling towers.

B. For any type of reuse not addressed in this regulation, including, but not limited to, indirect potable reuse and below-ground drip irrigation reuse, that is newly proposed after the effective date of this regulation, the board may prescribe specific reclaimed water standards and monitoring requirements needed to protect public health and the environment. When establishing these requirements for the proposed reuse, the board shall consider the following factors:

1. The risk of the proposed reuse to public health with specific input from the Virginia Department of Health;

2. The degree of public access and human exposure to reclaimed water by the proposed reuse;

3. The reclaimed water treatment necessary to prevent nuisance conditions by the proposed reuse;

4. The reclaimed water treatment necessary for the proposed reuse to comply with this and other applicable regulations of the board;

5. The potential for improper or unintended use of the reclaimed water;

6. Other federal or state laws, regulations and guidelines that would apply to the proposed reuse;

7. The similarity of the proposed reuse to reuses listed in this regulation with regard to potential impact to public health and the environment;

8. Whether the proposed reuse may be excluded or prohibited by 9VAC25-740-50; and

9. For new indirect potable reuse proposals, residence or transport time, mixing ratios, and other relevant information deemed necessary by the board.

Part III

Application and Technical Requirements

9VAC25-740-100. Application for permit.

A. The need for an owner to obtain a permit or modification or reissuance of an existing permit from the board for a proposed or an existing reclamation system, reclaimed water distribution system, satellite reclamation system, or, as applicable, water reuse, shall be determined in accordance with 9VAC25-740-30. Where required, permit coverage for these systems or activities shall be provided in accordance with 9VAC25-740-40, contingent upon receipt of a complete application from the owner. The application shall contain the following supporting documentation and information:

B. General information. For projects that involve water reclamation and the distribution of reclaimed water, the following information shall be submitted with an application for a permit. For projects that involve exclusively the distribution of reclaimed water, information for only subdivisions 1, 2, and 5 of this subsection shall be submitted with an application for a permit.

1. A description of the design and a site plan showing operations and unit processes of the proposed project, including and as applicable, treatment, storage, distribution, reuse and disposal facilities, and reliability features and controls. Treatment works previously permitted need not be included, unless they are directly tied into the new units or are critical to the understanding of the complete project. Design approaches shall be consistent with accepted engineering practice and any applicable state regulations;

2. A general location map, showing orientation of the project with reference to at least two geographic features (numbered roads, named streams or rivers, etc.). A general location map for a reclaimed water distribution system may

be included in the map of a service area required in accordance with subdivision B 1 a of this section;

3. Information regarding each wastewater treatment facility that diverts or will divert effluent or source water to the proposed reclamation system, including:

a. All unit processes used for the treatment of wastewater at the facility prior to diversion to the reclamation system.

b. Maximum and average flows and seasonally varying flows, if any, to be diverted by the facility to the reclamation system. Estimated flows may be provided if actual flow data are not available;

c. Any significant industrial users defined in 9VAC25-31-10 that indirectly discharge to the wastewater treatment facility; and

d. Analyses of the effluent or source water to be diverted by facility to the reclamation system.

4. Information regarding the sewage collections system that diverts or will divert sewage to the proposed satellite reclamation system, including:

a. Maximum and average flows and seasonally varying flows, if any, to be diverted by the facility to the reclamation system. Estimated flows may be provided if actual flow data is not available;

b. Any significant industrial users defined in 9VAC25-31-10 that discharge to the same collection line from which sewage will be diverted to the satellite reclamation system, including location of the significant industrial users and distance between the significant industrial users and the satellite reclamation system along the sewage collection line; and

c. Analyses of the sewage to be diverted by the sewage collection system to the reclamation system at the point of diversion or representative of that point.

5. Expected reclaimed water characteristics and current and design flows of the proposed reclamation system or satellite reclamation system to include:

a. The standards specified in 9VAC25-740-70 A to be achieved,

b. Any other physical, chemical, and biological characteristics and constituent concentrations that may affect the intended reuse of the reclaimed water with respect to adverse impacts to public health or the environment; and

c. Monthly average and daily maximum flows.

6. Information, if applicable, regarding any type of proposed reuse not listed in this regulation, by which the board can evaluate the need to prescribe specific reclaimed

water treatment and monitoring requirements in accordance with 9VAC25-740-90 B; and

Information required for subsection B of this section may be provided by referencing information previously submitted to the board unless changes have occurred that require the submission of new or more current information.

C. Reclaimed water management (RWM) plan.

1. A RWM plan shall be submitted in support of permit applications for new or expanded reclamation systems, satellite reclamation systems or reclaimed water distribution systems that provide reclaimed water directly to an end user or end users, including an end user that is also the applicant or permittee. The RWM plan shall contain the following:

a. A description and map of the expected service area to be covered by the RWM plan for the term of the permit for the project (i.e., five years for a VPDES or 10 years for a VPA permit). The map shall identify all reuses according to reuse categories shown in 9VAC25-740-90 A or other categories for reuses that are or shall be authorized pursuant to 9VAC25-740-90 B, and their locations within the service area. The map shall also identify and show the location of all public potable water supply wells and springs, and public water supply intakes, within the boundaries of the service area. The description and map of the service area shall be updated by the permittee with each permit renewal. A service area or portions of a service area shall not be covered under more than one RWM plan to avoid redundant service to the same area.

b. A current inventory of impoundments, ponds or tanks that are used for system storage of reclaimed water and, as applicable, reject water storage under the control of the permittee, and nonsystem storage located within the service area of the RWM plan in accordance with 9VAC25-740-110 C 15.

c. A water balance that accounts for the volumes of reclaimed water to be generated, stored, reused and discharged (i.e., through a VPDES permitted outfall, back to a sewage collection system, or otherwise disposed). The water balance shall include projected volumes of daily, seasonal and annual reclaimed water demand for each reuse category.

d. An example of service agreements or contracts to be established by the applicant or permittee with end users regarding implementation of and compliance with the RWM plan. A service agreement or contract shall contain conditions and requirements specified in subdivisions C 2 b and c of this section and in 9VAC25-740-170 that apply to the particular planned reuse of each end user. Terms of the agreement shall require property owners to report all potable and nonpotable water supply

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wells on their property and to comply with appropriate setback distances for wells where reclaimed water will be used on the same property. Within the agreement or contract, the applicant or permittee shall also reserve the right to terminate the agreement and withdraw service for any failure by the end user to comply with the terms and conditions of the agreement or contract if corrective action for such failure is not taken by the end user.

e. A description of monitoring of end users by the applicant or permittee to verify compliance with the terms of their agreements or contracts. Monitoring shall include, at a minimum, metering the volume of reclaimed water consumed by end users.

f. An education and notification program required in accordance with 9VAC25-740-170 A;

g. A cross-connection and backflow prevention program that:

(1) Evaluates the potential for cross-connections of the reclaimed water distribution system to a potable water system and backflow to the reclaimed water distribution system from industrial end users,

(2) Evaluates the public health risks associated with possible backflow from industrial end users, and

(3) Describes inspections to be performed by the applicant or permittee at the time end users connect to the reclaimed water distribution system and periodically thereafter to prevent cross-connections to a potable water system and backflow from industrial end users as determined necessary through the program evaluation.

A backflow prevention device shall be required on the reclaimed water service connection to an industrial end user, unless evaluation by the cross-connection and backflow prevention program determines that there is minimal risk to public health associated with possible backflow from the industrial end user or that there will be no backflow from the industrial end user capable of contaminating the reclaimed water supply.

h. Where the applicant or permittee is the exclusive end user of the reclaimed water that is generated and is not otherwise excluded under 9VAC25-740-50 A, information for only subdivisions C 1 a, b and c of this section is required.

2. All irrigation reuses of reclaimed water shall be limited to supplemental irrigation. Nutrient management requirements for irrigation reuse will be established in the RWM plan according to the concentration of total N and total P in the reclaimed water compared to "Biological Nutrient Removal (BNR)" as defined in 9VAC25-740-10.

a. Except as specified in subdivision B 3 in this section, a nutrient management plan (NMP) shall not be required

for irrigation reuse of reclaimed water treated to achieve BNR or nutrient levels below BNR.

b. For bulk irrigation reuse of reclaimed water not treated to achieve BNR, a NMP shall be required of the end user.

(1) Where the applicant or permittee is the end user, the NMP shall be submitted with the RWM plan to the board and shall be the responsibility of the applicant or permittee to properly implement.

(2) Where the end user is other than the applicant or permittee, the NMP shall be required as a condition of the service agreement or contract specified in subdivision C 1 d of this section between the applicant or permittee and the end user. The end user shall be responsible for obtaining, maintaining and following a current NMP; providing a copy of the most current NMP to the applicant or permittee prior to initiating bulk irrigation reuse of reclaimed water; and providing proof of compliance with the NMP at the request of the permittee.

(3) For a wastewater treatment facility required to obtain a General VPDES Watershed Permit for total N and total P discharges and nutrient trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) and that provides wastewater or effluent for reclamation and reuse, 15% of the annual N load and 10% of the annual P load by bulk irrigation reuses requiring NMPs shall be considered losses to state waters and shall be reported annually as discharged total N and total P loads by the wastewater treatment facility in accordance with the General VPDES Watershed Permit.

c. For nonbulk irrigation reuse of reclaimed water not treated to achieve BNR, a NMP shall not be required. However, the RWM plan shall describe other measures to be implemented by the applicant or permittee to manage nutrient loads by nonbulk irrigation reuse of reclaimed water not treated to achieve BNR within the service area. These shall include, but are not limited to the following:

(1) The inclusion of language in the service agreement or contract specified in subdivision C 1 d of this section, explaining proper use of the reclaimed water by the end user for the purpose of managing nutrients;

(2) Reclaimed water metering of individual nonbulk irrigation end users;

(3) Routine distribution of literature not less than annually, to individual nonbulk irrigation end users addressing the proper use of reclaimed water for irrigation in accordance with 9VAC25-740-170 A;

(4) Monthly monitoring of N and P loads by nonbulk irrigation reuses to the service area of the RWM plan based on the total monthly metered use of reclaimed water for the service area and the monthly average

concentrations of total N and total P in the reclaimed water; and

(5) For a wastewater treatment facility required to obtain a General VPDES Watershed Permit for total N and total P discharges and nutrient trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) and that provides wastewater or effluent for reclamation and reuse, 30% of the annual N load and 20% of the annual P load by nonbulk irrigation reuses to the service area shall be considered losses to state waters and shall be reported annually as discharged total N and total P loads by the wastewater treatment facility in accordance with the General VPDES Watershed Permit.

3. Independent of the reclaimed water nutrient content, a NMP shall be required for a bulk irrigation reuse site where:

a. A wastewater treatment facility, a reclamation system or satellite reclamation system and the irrigation reuse site or sites are under common ownership or management, and

b. In addition to irrigation reuse:

(1) There is no option to dispose of the reclaimed water through a VPDES permitted discharge, or

(2) There is an option to dispose of the reclaimed water through a VPDES permitted discharge, but the VPDES permit does not allow discharge of the full nutrient load under design flow (e.g., a treatment facility with a VPDES permitted discharge implements water reclamation and reuse in lieu of providing treatment to meet nutrient effluent limits at design flow).

The NMP shall be approved by the DCR and submitted with the RWM plan to the board. The applicant or permittee shall be responsible for proper implementation of the NMP.

4. If required for a specific irrigation reuse, the NMP shall be prepared by a nutrient management planner certified by the DCR and shall be maintained current in accordance with the Nutrient Management Training and Certification Regulations, 4VAC5-15. A copy of the NMP for each irrigation reuse site shall be maintained at the site or at a location central to all sites covered by the plan. Another copy shall be provided to and retained by the applicant or permittee.

5. A site plan is required for each bulk irrigation reuse site, displayed on the most current USGS topographic maps (7.5 minutes series, where available) and showing the following:

a. The boundaries of the irrigation site;

b. The location of all potable and nonpotable water supply wells and springs, public water supply intakes,

occupied dwellings, property lines, areas accessible to the public, outdoor eating, drinking and bathing facilities; surface waters, including wetlands; limestone rock outcrops and sinkholes within 250 feet of the irrigation site; and

c. Setbacks areas around the irrigation site in accordance with 9VAC25-740-170.

Where expansion of an existing irrigation site is anticipated, the same information shall be provided for the area of proposed expansion.

6. The site plan for a bulk irrigation reuse site shall be prepared by:

a. The applicant or permittee for submission with the RWM plan to the board when the irrigation site is under common ownership or management with a wastewater treatment facility, a reclamation system or satellite reclamation system from which it receives reclaimed water for irrigation; or

b. The bulk irrigation end user for submission with the service agreement or contract between the end user and the applicant or permittee when the irrigation site is not under common ownership or management with a wastewater treatment facility, a reclamation system or satellite reclamation system from which it receives reclaimed water for irrigation.

7. For the addition of new end users not contained in the original RWM plan submitted with the application for a permit, the permittee shall submit to the board an amendment to the RWM plan identifying new end users not less than 30 days prior to connection and reclaimed water service to these users. For each new end user, the permittee shall also provide all applicable information required by subsection C of this section. Amendment of the RWM plan for the addition of new end users after the issuance or reissuance of the permit shall not be considered a modification of the permit.

9VAC25-740-110. Design criteria.

A. Reclamation system. The design of systems for the reclamation of municipal wastewater or the effluent derived from a municipal wastewater treatment facility shall adhere to the standards of design and construction specified in the Sewage Collection and Treatment Regulations (9VAC25-790) and other applicable engineering standards and regulations. Design standards for reclamation systems of industrial wastewater or the effluent derived from an industrial wastewater treatment facility shall be determined and evaluated on a case-by-case basis.

B. Reclaimed water distribution system.

1. All reclaimed water distribution systems shall be designed and constructed in accordance with this

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regulation and applicable sections of the Sewage Collection and Treatment Regulations (9VAC25-790) pertaining to force mains, so that:

- a. Reclaimed water does not come into contact with or otherwise contaminate a potable water system;
- b. The structural integrity of the system is provided and maintained; and
- c. The capability for inspection, maintenance, and testing is maintained.

2. For a reclaimed water distribution system, the following shall be implemented as part of the cross-connection and backflow prevention program submitted with the RWM plan:

- a. There shall be no direct cross-connections between the reclaimed water distribution system and a potable water supply system.
- b. The reclaimed water distribution system shall be in compliance with the cross connection control and backflow prevention requirements of Article 3 (12VAC590-580 et seq.) of Part II of the Commonwealth of Virginia Waterworks Regulations, the Virginia Statewide Building Code, and local building and plumbing codes.
- c. Potable water may be used to supplement reclaimed water for a reuse, provided there is an air gap separation of at least eight inches between the potable water and the reclaimed water or a reduced pressure principle backflow prevention device installed at the potable water service connection to the reuse. The installation of the reduced pressure principal backflow prevention device shall allow for proper inspection and testing of the device.
- d. Reclaimed water shall not be returned to the reclaimed water distribution system after the reclaimed water has been delivered to an end user.

3. In-ground reclaimed water distribution pipelines shall be installed and maintained to achieve minimum separation distance and configurations as follows:

- a. No reclaimed water distribution pipeline shall pass within 50 feet of a potable water supply well, potable water supply spring or water supply intake that are part of a regulated waterworks. The same separation distance shall be required between a reclaimed water distribution pipeline and a nonpublic or private potable water supply well or spring, but may be reduced to not less than 35 feet provided special construction and pipe materials are used to obtain adequate protection of the potable water supply.
- b. Reclaimed water distribution pipeline shall be separated horizontally by at least 10 feet from a water main. The distance shall be measured edge-to-edge.

When local conditions prohibit this horizontal separation, the reclaimed water distribution pipeline may be laid closer provided that the water main is in a separate trench or an undisturbed earth shelf located on one side of the reclaimed water distribution pipeline and the bottom of the water main is at least 18 inches above the top of the reclaimed water distribution pipeline. Where this vertical separation cannot be obtained, the reclaimed water distribution pipeline shall be constructed of water pipe material in accordance with AWWA specifications and pressure tested in place without leakage prior to backfilling. The hydrostatic test shall be conducted in accordance with the AWWA standard (ANSI/AWWA C600-05, effective December 1, 2005) for the pipe material, with a minimum test pressure of 30 psi.

c. Distribution pipeline that conveys Level 1 reclaimed water shall be separated horizontally by at least two feet from a sewer line. The distance shall be measured edge-to-edge. When local conditions prohibit this horizontal separation, the reclaimed water distribution pipeline may be laid closer provided that the sewer line is in a separate trench or an undisturbed earth shelf located on one side of the reclaimed water distribution pipeline and the bottom of the reclaimed water distribution pipeline is at least 18 inches above the top of the sewer line. Where this vertical separation cannot be obtained, either the reclaimed water distribution pipeline or the sewer line shall be constructed of water pipe material in accordance with AWWA specifications and pressure tested in place without leakage prior to backfilling. The hydrostatic test shall be conducted in accordance with the AWWA standard (ANSI/AWWA C600-05, effective December 1, 2005) for the pipe material, with a minimum test pressure of 30 psi.

d. Reclaimed water distribution pipeline shall cross under water main such that the top of the reclaimed water distribution pipeline is at least 18 inches below the bottom of the water main. When local conditions prohibit this vertical separation, the reclaimed water distribution pipeline shall be constructed of AWWA specified water pipe and pressure tested in place without leakage prior to backfilling, in accordance with the provisions of the Sewage Collection and Treatment Regulations (9VAC25-790). Where reclaimed water distribution pipeline crosses over water main, the reclaimed water distribution pipeline shall:

(1) Be laid to provide a separation of at least 18 inches between the bottom of the reclaimed water distribution pipeline and the top of the water main.

(2) Be constructed of AWWA approved water pipe and pressure tested in place without leakage prior to backfilling, in accordance with the provisions of the

Sewage Collection and Treatment Regulations (9VAC25-790).

(3) Have adequate structural support to prevent damage to the water main.

(4) Have joints placed equidistant and as far as possible from the water main joints.

e. Sewer line shall cross under distribution pipeline that conveys Level 1 reclaimed water such that the top of the sewer line is at least 18 inches below the bottom of the reclaimed water distribution pipeline. When local conditions prohibit this vertical separation, the sewer line shall be constructed of AWWA specified water pipe and pressure tested in place without leakage prior to backfilling, in accordance with the provisions of the Sewage Collection and Treatment Regulations (9VAC25-790). Where sewer line crosses over distribution pipeline that conveys Level 1 reclaimed water, the sewer line shall:

(1) Be laid to provide a separation of at least 18 inches between the bottom of the sewer line and the top of the reclaimed water distribution pipeline.

(2) Be constructed of AWWA approved water pipe and pressure tested in place without leakage prior to backfilling, in accordance with the provisions of the Sewage Collection and Treatment Regulations (9VAC25-790).

(3) Have adequate structural support to prevent damage to the reclaimed water distribution pipeline.

(4) Have joints placed equidistant and as far as possible from the reclaimed water distribution pipeline joints.

f. No reclaimed water distribution pipeline shall pass through or come into contact with any part of a sewer manhole. Distribution pipeline that conveys Level 1 reclaimed water shall be separated horizontally by at least two feet from a sewer manhole whenever possible. The distance shall be measured from the edge of the pipe to the edge of the manhole structure. When local conditions prohibit this horizontal separation, the manhole shall be of watertight construction and tested in place.

4. No setback distance is required to any nonpotable water supply well and no vertical or horizontal separation distances are required between aboveground reclaimed water pipelines and potable water, sewer or wastewater pipelines.

5. All reclaimed water outlets shall be of a type, or secured in a manner, that permits operation by authorized personnel. Public access to reclaimed water outlets shall be controlled in areas where reclaimed water outlets are accessible to the public as follows:

a. If quick connection couplers are used on above-ground portions of the reclaimed water distribution system, they shall differ materially from those used on the potable water supply.

b. Use of above-ground hose bibs, spigots or other hand-operated connections that are standard on local potable water distribution systems shall be prohibited for use on the local reclaimed water distribution system. If above-ground hose bibs, spigots or other hand-operated connections are used on the reclaimed water distribution system, they must differ materially from those used on the local potable water distribution system and must be clearly distinguishable as reclaimed water connections (i.e., painted purple, valve operation with a special tool) so as not to be mistaken for potable water connections. Where below-grade vaults are used to house reclaimed water connections, the connections in the vault may have standard potable water distribution system thread and bib size services provided the bib valves can be operated only by a special tool. The below-grade vaults shall also be labeled as being part of the reclaimed water distribution system (i.e., painted purple, labeled).

6. Existing potable water, sewer and wastewater pipelines may be converted for use as reclaimed water distribution pipelines. The following information shall be submitted to the board for approval of the conversion:

a. The location and identification of the facilities to be converted;

b. The location of all connections to the facilities to be converted;

c. A description of measures to be taken to ensure that existing connections will be eliminated;

d. Description of procedures to be used to ensure that all connections and cross-connections shall be eliminated. This may include physical inspections, dye testing, or other testing procedures;

e. Description of marking, signing, labeling, or color coding to be used to identify the converted facility as a reclaimed water transmission facility;

f. Description of cleaning and disinfection procedures to be followed before the converted facilities will be placed into operation for reclaimed water distribution;

g. Assessment of the physical condition and integrity of facilities to be converted; and

h. Reasonable assurance that cross-connections will not result, public health will be protected, and the integrity of potable water, wastewater, and reclaimed water systems will be maintained when the conversion is made.

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7. Tank trucks may be used to transport and distribute reclaimed water only if the following requirements are met:

- a. The truck is not used to transport potable water that is used for drinking water or food preparation;
- b. The truck is not used to transport waters or other fluids that do not meet the requirements of this regulation, unless the tank has been evacuated and properly cleaned prior to the addition of the reclaimed water;
- c. The truck is not filled through on-board piping or removable hoses that may subsequently be used to fill tanks with water from a potable water supply; and
- d. The reclaimed water contents of the truck are clearly identified as nonpotable water on the truck.

8. Reclaimed water distribution systems shall have the following identification, notification and signage:

a. All reclaimed water piping shall have the words "CAUTION: RECLAIMED WATER - DO NOT DRINK" embossed, integrally stamped, or otherwise affixed to the piping, and shall be identified by one or more of the following methods:

(1) Painting the piping purple (Pantone 522) and stamping the piping with the required caution statement on opposite sides of the pipe, repeated at intervals of three feet or less.

(2) Using stenciled pipe with two- to three-inch letters on opposite sides of the pipe, placed at intervals of three to four feet. For pipes less than two inches in diameter, lettering shall be at least 5/8 inch, placed on opposite sides of the pipe, and repeated at intervals of one foot.

(3) Wrapping the piping with purple (Pantone 522) polyethylene vinyl wrap or adhesive tape, placed longitudinally at three-foot intervals. The width of the wrap or tape shall be at least three inches, and shall display the required caution statement in either white or black lettering.

(4) Permanently affixing purple (Pantone 522) vinyl adhesive tape on top of the piping, parallel to the axis of the pipe, fastened at least every 10 feet to each pipe section, and continuously for the entire length of the piping. The tape shall display the required caution statement in either white or black lettering.

b. All visible, above-ground portions of the reclaimed water distribution system including reclaimed water piping, valves, outlets (including fire hydrants) and other appurtenances shall be colored coded, taped, labeled, tagged or otherwise marked to notify the public and employees that the source of the water is reclaimed water, not intended for drinking or food preparation. For reclaimed water treated to Level 2, such notification shall

also inform employees to practice good personal hygiene for incidental contact with reclaimed water and the public to avoid contact with the reclaimed water.

c. Each mechanical appurtenance of a reclaimed water distribution system shall be colored purple and legibly marked "RECLAIMED WATER" to identify it as a part of the reclaimed water distribution system and to distinguish it from mechanical appurtenances of a potable water distribution system or a wastewater collection system.

d. Existing underground distribution or collection pipelines and appurtenances retrofitted for the purpose of distributing reclaimed water shall be colored coded, taped, labeled, tagged or otherwise identified as described in subdivisions 8 a, b and c of this subsection. This identification need not extend the entire length of the retrofitted reclaimed water distribution system but is required within 10 feet of locations where the distribution system crosses a potable water supply line or sanitary sewer line.

e. Valve boxes for reclaimed water distribution systems shall be painted purple. Valve covers for reclaimed water distribution lines shall not be interchangeable with potable water supply valve covers.

9. All reclaimed water distribution systems shall be maintained to minimize losses and to ensure safe and reliable conveyance of reclaimed water such that the reclaimed water will not be degraded below the standards required for the intended reuse or reuses in accordance with 9VAC25-740-90.

C. Storage requirements.

1. To ensure reliable reclamation system operation in accordance with the requirements of this regulation, all reclamation systems shall have the ability to implement one or more of the following options:

a. Store reclaimed water,

b. Discharge reclaimed water to another permitted reuse system, if applicable;

c. Discharge reclaimed water to surface waters of the state under a VPDES permit;

d. Suspend all or a portion of water reclamation for planned periods; or

e. In the case of a satellite reclamation system, discharge reclaimed water into the sewage collection system from which it received water for reclamation.

2. Storage for reclaimed water shall be required only when subdivision 1 b, c, or d of this subsection or, as applicable, subdivision 1 e of this subsection are not available or approved by the board.

3. Separate, off-line storage shall be provided for reject water of the reclamation system unless the reject water can be diverted to another permitted reuse system, discharged to surface waters of the state under a VPDES permit, returned directly to an appropriate point of treatment in the reclamation system, or in the case of a satellite reclamation system, sent to the sewage collection system from which the reclamation system received water for reclamation. Where reject water is stored, provisions shall be incorporated into the design of the reclamation system to distribute the reject water from storage to other parts of the reclamation system for additional or repeated treatment.

4. Storage for reject water may also be used for emergency storage to ensure Class I reliability of the reclamation system in accordance with 9VAC25-740-130.

5. Reject water and reclaimed water may be stored in water-tight tanks placed above-ground or in-ground. Labeling of tanks used for reject water storage, system storage or nonsystem storage shall be in accordance with 9VAC25-740-160 B, and shall, at a minimum, identify the contents of each tank as either reject water or reclaimed water.

6. For all impoundments or ponds that are used for reject water storage or system storage, with the exception of impoundments and ponds specified in subdivision 7 of this subsection, the following are required:

a. A minimum two-foot freeboard shall be maintained at all times. Any emergency discharge or overflow device and the disposition of the overflow discharge shall be identified in the engineering report.

b. There shall be a minimum two-foot separation distance between the bottom of the impoundment or pond and the seasonal high water.

c. The impoundment or pond shall have a properly designed and installed synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one foot thickness. Synthetic liners shall be installed in accordance with the manufacturer's specifications and recommendations. The soil liner shall be composed of separate lifts not to exceed six inches. The maximum coefficient of permeability for the synthetic and soil liners shall not exceed 1×10^{-6} cm/sec and 1×10^{-7} cm/sec, respectively. A plan of quality assurance and quality control which substantiates the adequacy of the liner and its installation shall be included in or shall accompany the preliminary engineering report or supporting documentation for the CTC. Documentation of quality assurance and quality control activities on liner installation along with permeability test results, shall be submitted with the statement of construction completion to the board.

d. If the requirements of subdivision 6 b or c of this subsection cannot be met, the board may allow use of the impoundment or pond for storage provided that a groundwater monitoring plan for the facility is submitted to the board for review and approval. The plan shall identify the direction of groundwater flow and the proposed location and depth of groundwater monitoring wells at the location of the impoundment or pond, parameters to be monitored, a monitoring schedule, and procedures for proper sample collection and handling.

e. The design of the impoundment or pond shall prevent the entry of surface water or storm water runoff from outside the facility embankment or berm.

f. Where the embankment of the impoundment or pond is composed of soil, the embankment shall have:

(1) A top width of at least five feet,

(2) Interior and exterior slopes no steeper than one foot vertical to three feet horizontal unless alternate methods of slope stabilization are used,

(3) Shallow-rooted vegetative cover or other soil stabilization to prevent erosion, and

(4) Erosion stops and water seals installed on all piping that penetrates the embankment.

g. There shall be routine maintenance of the impoundment or pond liner, embankments and access areas.

h. Impoundments and ponds shall be sited to avoid areas of uneven subsidence, sinkholes, or unstable soils unless provisions are made for their correction. Results from field and laboratory tests from an adequate number of test borings and soil samples shall be the basis for computations pertaining to permeability and stability analyses.

i. Impoundments or ponds shall not be located on a floodplain unless protected from inundation or damage by a 100-year frequency flood event.

j. There shall be a minimum setback distance measured horizontally from the perimeter of the storage impoundment or pond to potable water supply wells and springs, and public water supply intakes, of 100 feet for storage of Level 1 reclaimed water and 200 feet for storage of Level 2 reclaimed water or reject water.

7. Reject water storage and system storage impoundments or ponds that exist upon the effective date of this regulation shall be exempt from the design, construction, and operation requirements specified in subdivision 6 of this subsection until such time these facilities are modified or expanded, or unless they have failed to comply with other existing regulatory or permitting requirements.

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8. The capacity of reject water storage and system storage facilities, including impoundments, ponds or tanks, shall be as follows:

a. For reject water, the capacity of the storage facility shall, at a minimum, be the volume equal to the average daily permitted flow of the reclamation system unless other options exist for immediate disposal or retreatment of the reject water in addition to storage.

b. For reclaimed water, the capacity of the storage facility shall be determined by the seasonal variability in demand, intended reuses with intermittent, variable demand, such as fire protection or fighting; and the availability of other options to generate or manage reclaimed water as specified in subdivision 1 of this subsection.

(1) Where there is no or minimal seasonal variability in demand and no other options are available for alternative generation or management of all or a portion of the reclaimed water, the capacity of the storage facility shall, at a minimum, be the volume equal to three times that portion of reclaimed water average daily flow for which no other options to generate or manage the reclaimed water are permitted.

(2) Where there is seasonal variability in demand and no other options are available for alternative generation or management of all or a portion of the reclaimed water during periods of low seasonal demand, storage facilities shall have sufficient storage capacity to assure the retention of the reclaimed water under conditions and circumstances that preclude reuse. The methods, assumptions and calculations used to determine the system storage requirements shall be provided and justified in the preliminary engineering report or supporting documentation for the CTC. Analytical means of determining system storage requirements, such as water balance calculations or computer hydrological programs, shall be used and shall account for all water inputs into the system. Analysis shall be based on site-specific data. Irrigation efficiencies or rainfall efficiencies shall not be used in storage volume determinations.

9. Requirements specified in subdivision 6 of this subsection shall not apply to lakes, impoundments or ponds used for nonsystem storage with the exception of those specified in subdivision 11 of this subsection.

10. Landscape impoundments may also be used for nonsystem storage of reclaimed water prior to another subsequent reuse, such as irrigation.

11. Impoundments or ponds used for nonsystem storage of reclaimed water, including landscape impoundments, for subsequent irrigation reuse on sites under common ownership or management with the reclamation system or

satellite reclamation system that provides reclaimed water to the sites, shall comply with the design, construction and operation requirements specified in subdivision 6 of this subsection.

12. For lakes, impoundments or ponds used for nonsystem storage of reclaimed water, the following setback distances shall apply:

a. There shall be a 50-foot minimum setback distance measured horizontally from the perimeter of the lake, impoundment or pond to property lines.

b. For an impoundment or pond with a liner meeting the requirements specified in subdivision 6 c of this subsection, there shall be a minimum setback distance measured horizontally from the perimeter of the storage impoundment or pond to potable water supply wells and springs, and public water supply intakes, of 100 feet for storage of Level 1 reclaimed water and 200 feet for storage of Level 2 reclaimed water.

c. For an unlined impoundment or pond, there shall be a minimum setback distance measured horizontally from the perimeter of the storage impoundment or pond to potable water supply wells and springs, and public water supply intakes, of 200 feet for storage of Level 1 reclaimed water and 400 feet for storage of Level 2 reclaimed water.

13. Where more than one setback distance applies to storage for reclaimed water or reject water, the greater setback distance shall govern.

14. All storage facilities, including landscape impoundments used for nonsystem storage, shall be designed and operated to prevent a discharge to surface waters of the state except in the event of a storm greater than the 25-year 24-hour storm.

15. Permittees shall maintain current inventories of reject water storage, system storage and nonsystem storage facilities located within the service area of the RWM plan. An inventory or a revised inventory shall be submitted as part of the RWM plan in the permit application. For the addition of new storage facilities to an inventory after permit issuance, the permittee shall submit to the board an amended inventory at least 30 days before reclaimed water will be introduced into the new storage facilities. An inventory of reject water storage, system storage and nonsystem storage facilities shall include the following:

a. Name or identifier for each storage facility.

b. Location of each storage facility (latitude and longitude).

c. Function of each storage facility (i.e., reject water storage, system storage or nonsystem storage).

d. Type of each storage facility (i.e., covered tank, uncovered tank, lined pond, unlined pond, etc.), and

e. Location (latitude and longitude) and distance of the nearest potable water supply well and spring, and public water supply intake, to each storage facility within 450 feet of that facility.

16. Storage requirements as specified in this subsection shall not apply to reclaimed water storage facilities provided at the site of an industrial end user. These facilities shall be subject to regulation under the end user's industrial wastewater permit.

9VAC25-740-120. Construction requirements.

A. Preliminary engineering report. A preliminary engineering report shall be submitted for new water reclamation projects and for modification or expansion of existing reclamation systems, satellite reclamation systems and reclaimed water distributions systems. At the request of the applicant or permittee, the board may waive the need for a preliminary engineering report or portions of a preliminary engineering report for modification or expansion of an existing reclamation system, satellite reclamation system or reclaimed water distributions system based on the scope of the proposed project.

B. Certificate to construct and certificate to operate.

1. No owner shall cause or allow the construction, expansion or modification of a reclamation system or satellite reclamation system except in compliance with a certificate to construct (CTC) from the board unless otherwise provided for by this regulation. Furthermore, no owner shall cause or allow any reclamation system or satellite reclamation system to be operated except in compliance with a certificate to operate (CTO) issued by the board, which authorizes the operation of the reclamation system or satellite reclamation system unless otherwise provided for by this regulation. The need for a CTC and CTO for modifications shall be determined by the board on a case-by-case basis. Conditions may be imposed on the issuance of any CTC or CTO, and no reclamation system or satellite reclamation system may be constructed, modified, or operated in violation of these conditions.

2. CTC.

a. Upon approval of the proposed design by the board, including any submitted plans and specifications, if required, the board will issue a CTC to the owner of such approval to construct or modify his reclamation system or satellite reclamation system in accordance with the approved plans and specifications.

b. Any deviations from the approved design or the submitted plans and specifications significantly affecting hydraulic conditions (flow profile), unit operations

capacity, the functioning of the reclamation system or satellite reclamation system, or the quality of the reclaimed water, must be approved by the board before any such changes are made.

3. CTO.

a. Upon completion of the construction or modification of the reclamation system or satellite reclamation system, the owner shall submit to the board a Statement of Construction Completion signed by a licensed professional engineer stating that the construction work has been completed in accordance with the approved plans and specifications, or revised only in accordance with subdivision 2 b of this subsection. This statement shall be based upon inspections of the reclamation system or satellite reclamation system during and after construction or modifications that are adequate to ensure the truth of the statement.

b. Upon receipt of the construction completion statement, the board may issue a final CTO. However, the board may delay the granting of the CTO pending inspection, or satisfactory evaluation of reclaimed water test results, to ensure that the work has been satisfactorily completed.

c. A conditional CTO may be issued specifying final approval conditions, with specific time periods for completion of unfinished work, revisions to the operations and maintenance manual, or other appropriate items. The board may issue a conditional CTO to owners of a reclamation system or satellite reclamation system for which the required information for completion of construction has not been received. Such CTOs will contain appropriate conditions requiring the completion of any unfinished or incomplete work including subsequent submission of the statement of completion of construction.

d. Consideration will be given to issuance of an interim CTO to individual unit operations of the treatment system so as to allow utilization of these unit operations prior to completion of the total project. A final CTO shall be issued upon verification that the requirements of this regulation have been complied with.

e. Within 30 days after placing a new or modified reclamation system or satellite reclamation system into operation, the reclaimed water produced should be sampled and tested in a manner sufficient to demonstrate compliance with approved specifications and permit requirements. The board shall be notified of the time and place of the tests, and shall be sent the results of the tests for evaluation as part of the final CTO.

f. Within 90 days of placing the new or modified reclamation system or satellite reclamation system into operation, the owner shall submit a new or revised operations and maintenance manual for the water

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reclamation system, satellite reclamation system, or both, as applicable, to be covered by the same permit. The manual shall contain information as specified in 9VAC25-740-140.

g. The board may amend or reissue a CTO where there is a change in the manner of treatment or the source of water that is reclaimed at the permitted location, or for any other cause incidental to the protection of the public health and welfare, provided notice is given to the owner.

9VAC25-740-130. Operator requirements and system reliability.

A. Operator requirements. In accordance with the Virginia Board for Waterworks and Wastewater Works Operators Regulations (18VAC160-20), each reclamation system shall be assigned a classification based on the treatment processes used to reclaim water and the design capacity of the facility. The classification of both the reclamation system and the operator in responsible charge shall be the same as that specified in the Sewage Collection and Treatment Regulations (9VAC25-790) for sewage treatment works with similar treatment processes and design capacities. The reclamation system shall be manned while in operation and under the supervision of the operator in responsible charge unless the system is equipped with remote monitoring and, as applicable, automated diversion of substandard or reject water in accordance with 9VAC25-740-70 C 1 a.

B. Class I reliability as defined in 9VAC25-740-10 is required for Level 1 reclamation systems and satellite reclamation systems unless there is a permitted alternate treatment or discharge system available that has sufficient capacity to handle any reclaimed water flows that do not meet the reclaimed water standards of this regulation or performance criteria established in the operations and maintenance manual.

C. For independent reclamation systems and systems consisting of an industrial wastewater treatment facility and reclamation system, the applicability of Class I reliability requirements as specified in the Sewage Collection and Treatment Regulations (9VAC25-790), shall be determined by the board for each proposed or existing system.

D. The board may approve alternative measures to achieve Class I reliability specified in the Sewage Collection and Treatment Regulations (9VAC25-790) if the applicant or permittee can demonstrate in the engineering report, using accepted and appropriate engineering principles and practices, that the alternative measures will achieve a level of reliability equivalent to Class I reliability.

9VAC25-740-140. Operations and maintenance.

A. The permittee shall develop and submit to the board an operations and maintenance manual in accordance with 9VAC25-740-120 B 3 f for each reclamation system, satellite

reclamation system, reclaimed water distribution system, or any combination of these facilities covered by the same permit. The permittee shall maintain the manual and any changes in the practices and procedures followed by the permittee shall be documented and submitted to the board within 90 days of the effective date of the changes.

B. For a reclamation system authorized under the permit of a wastewater treatment facility that provides flow to the reclamation system, the operations and maintenance manual of the reclamation system may be made a part of the operations and maintenance manual for the wastewater treatment facility.

C. The operations and maintenance manual is a set of detailed instructions developed to facilitate the operator's understanding of operational constraints and maintenance requirements for the reclamation system, satellite reclamation system or reclaimed water distribution system; and the monitoring and reporting requirements specified in the permit issued for each system. The scope and content of the manual will be determined by the complexity of the system or systems described by the manual.

1. For a reclamation system or satellite reclamation system, the operations and maintenance manual shall, at a minimum, contain the following:

a. A description of unit treatment processes within the reclamation system or satellite reclamation system and step-by-step instructions for the operation of these processes;

b. Routine maintenance and schedules of maintenance for each unit treatment process in the system;

c. The criteria used to make continuous determinations of the acceptability of the reclaimed water being produced and shall include set points for parameters measured by continuous on-line monitoring equipment;

d. Descriptions of sampling and monitoring procedures and record keeping that comply with the requirements of this regulation and any applicable permit conditions;

e. The physical steps and procedures to be followed by the operator when substandard water is being produced, including resampling and operational review in accordance with 9VAC25-740-70 C;

f. The physical steps and procedures to be followed by the operator when the treatment facility returns to normal operation and acceptable quality reclaimed water is again being produced;

g. Procedures to be followed during a period when an operator is not present at the treatment facility;

h. Information necessary for the proper management of sludge or residuals from reclamation treatment that is not

specifically requested in the application for a VPDES or VPA permit; and

i. A contingency plan to eliminate or minimize the potential for untreated or inadequately treated water to be delivered to reuse areas. The plan shall, as applicable, reference and coordinate with the education and notification program specified in 9VAC25-740-170 A for any release of untreated or inadequately treated water to the reclaimed water distribution system.

2. For a reclaimed water distribution system, the operations and maintenance manual shall, at a minimum, contain the following:

a. A description of all components within the distribution system and step-by-step instructions for the operation of specific mechanical components;

b. Routine and unplanned inspection of the distribution system, including required inspections for the cross-connection and backflow prevention program as specified in 9VAC25-740-100 B 1 g;

c. Routine maintenance and schedules of maintenance for all components of the distribution system. Maintenance shall include, but is not be limited to, initial and routine flushing of the distribution system, measures to prevent or minimize corrosion, fouling and clogging of distribution lines; and detection and repair of broken distribution lines, flow meters or pumping equipment; and

d. Procedures to handle and dispose of any wastes or wastewater generated by maintenance of the distribution system in a manner protective of the environment.

D. The permittee shall review and revise the operations and maintenance manual, as needed and appropriate, to ensure that the manual contains procedures and criteria addressing the requirements of subsection C of this section for satisfactory system performance. Any revision to the manual shall be reviewed and approved by the board.

E. The permittee of a reclamation system, satellite reclamation system, or reclaimed water distribution system shall be responsible for making the facility protective of the environment and public health at all times, including periods of inactivation or closure. Included in the operations and maintenance manual for the reclamation system, satellite reclamation system, or reclaimed water distribution system, the permittee shall submit a plan for inactivation or closure of the facility, specifying what steps will be taken to protect the environment and public health.

F. Where a reclamation system or satellite reclamation system and a bulk irrigation reuse site or sites are under common ownership or management, the operations and maintenance manual for the reclamation system or satellite reclamation system shall include the following:

1. Measurements and calculations used to determine supplemental irrigation rates of reclaimed water for the irrigation reuse sites,

2. Operating procedures of the irrigation system,

3. Routine maintenance required for the continued design performance of the irrigation system and reuse sites,

4. Identification and routine maintenance of reclaimed water storage facilities dedicated to bulk irrigation reuse,

5. Schedules for harvesting and crop removal at the irrigation reuse sites,

6. An inventory of spare parts to be maintained for the irrigation system, and

7. Any other information essential to the operation of the irrigation system and reuse sites in accordance with the requirements of this regulation.

9VAC25-740-150. Management of pollutants from significant industrial users.

A. A reclamation system that receives effluent from a wastewater treatment facility having significant industrial users (SIUs) as defined by the VPDES Permit Regulation (9VAC25-31-10), shall not be permitted to produce reclaimed water treated to Level 1 or for reuse in areas accessible to the public or where human contact with the reclaimed water is likely, unless the wastewater treatment facility providing effluent to the reclamation system is:

1. A publicly owned treatment works (POTW) as defined in the VPDES Permit Regulation (9VAC25-31-10), that has a pretreatment program developed, approved and maintained in accordance with Part VII of the VPDES Permit Regulation (9VAC25-31-730 through 9VAC25-31-900); or

2. Any other POTW or privately owned treatment works as defined in the VPDES Permit Regulation (9VAC 25-31-10), with either a VPA or VPDES permit that has developed a program to manage pollutants of concern discharged by SIUs, equivalent to a pretreatment program required in the VPDES Permit Regulation for qualifying POTWs.

B. The permittee of a reclamation system authorized to produce reclaimed water treated to Level 1 or for reuse in areas accessible to the public or where human contact is likely, shall establish a contractual agreement with all wastewater treatment facilities providing effluent or source water to the reclamation system. The purpose of the contractual agreement shall be to ensure that reclaimed water discharged from the reclamation system is safe for use in areas accessible to the public or where human contact is likely. Prior to execution of the contractual agreement, a draft copy of the contract agreement shall be provided to the Board for review and approval. A contractual agreement will not be

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required where the permittee of the reclamation system is also the permittee of the wastewater treatment system that provides effluent or source water to the reclamation system.

9VAC25-740-160. Access control and advisory signs.

A. There shall be no uncontrolled public access to reclamation systems, satellite reclamation systems and system storage facilities. Access to any wastewater treatment facility directly associated with a reclamation system or satellite reclamation system shall be controlled in accordance with the Sewage, Collection and Treatment Regulations (9VAC25-790). System storage ponds shall be enclosed with a fence or otherwise designed with appropriate features to discourage the entry of animals and unauthorized persons.

B. Where advisory signs or placards are required as described in subsections C and D of this section, each sign shall state, at a minimum, "CAUTION: RECLAIMED WATER – DO NOT DRINK" and have the equivalent standard international symbol for non potable water. The size of the sign and lettering used shall be such that it can be easily read by a person with normal vision at a distance of 50 feet. Alternate signage and wording that assures an equivalent degree of public notification and protection may be accepted by the board.

C. For all reuses of reclaimed water treated to Level 2, public access shall be restricted and advisory signs shall be posted around reuse areas or reuse site boundaries. The advisory signs shall additionally state the nature of the reuse and no trespassing. Fencing around the site boundary is not required.

D. Advisory signs or placards for all reuses of reclaimed water treated to Level 1 shall be posted within and at the boundaries of reuse areas. The advisory signs or placards shall additionally state the nature of the reuse. Examples of some notification methods that may be used by permittees include posting advisory signs at entrances to residential neighborhoods where reclaimed water is used for landscape irrigation and posting advisory signs at the entrance to a golf course and at the first and tenth tees.

E. Advisory signs shall be posted adjacent to impoundments or ponds, including landscape impoundments, used for nonsystem storage of reclaimed water.

F. For industrial reuses, advisory signs shall be posted around those areas of the industrial site where reclaimed water is used and at the main entrances to the industrial site to notify employees and the visiting public of the reclaimed water reuse. Access control beyond what is normally provided by the industry is not required.

9VAC25-740-170. Use area requirements.

A. Education and notification program. An education and notification program (program) shall be developed and submitted with the RWM Plan for reuses that require Level 1

reclaimed water, will be in areas accessible to the public, or are likely to have human contact. The program shall be the responsibility of the permittee to implement.

1. Education. The purpose of the education component of the program is to ensure that end users and the public likely to have contact with reclaimed water are informed of the origin, nature, and characteristics of the reclaimed water; the manner in which the reclaimed water can be used safely; and uses for which the reclaimed water is prohibited or limited. The program shall describe all modes of communication to be used to educate and inform, including, but not limited to, meetings, distribution of written information, the news media (i.e., news papers, radio, television or the internet), and advisory signs as described in 9VAC25-740-160. Program education for individual end users shall be at the time of their initial connection to the reclaimed water distribution system and may be provided in the service agreement or contract with the permittee established in accordance with 9VAC25-740-100 B 1 d. For nonbulk irrigation reuse of reclaimed water not treated to achieve BNR, education of individual end users shall be, at a minimum, annually after the reclaimed water distribution system is placed into operation.

2. Notification. The notification component of the program shall contain procedures to notify end users and the affected public of treatment failures at the reclamation system that can adversely impact human health, or result in loss of reclaimed water service. Where treatment of the reclaimed water fails more than once during a seven-day period to comply with Level 1 disinfection or other standards developed in accordance with 9VAC25-740-70 D or 9VAC25-740-70 E for the protection of human health, and the non-compliant reclaimed water has been discharged to the reclaimed water distribution system, the permittee shall notify the end user of the treatment failures and advise the end user of precautions to be taken to protect public health when using the reclaimed water in areas accessible to the public or where human contact with the reclaimed water is likely. These precautions shall be implemented for a period of seven days or greater depending on the frequency and magnitude of the treatment failure. Where reclaimed water service to end users will be interrupted due to planned causes, such as scheduled repairs, the permittee shall provide advance notice to end users of the anticipated date and duration of the interrupted service. Where reclaimed water service to end users is disrupted by unplanned causes, such as an upset at the reclamation system, the permittee shall notify end users and the affected public of the disrupted service if it can not or will not be restored within eight hours of discovery.

B. Reclaimed water shall be used in a manner that is consistent with this regulation and with the conditions of the

VPDES or VPA permit, such that public health and the environmental shall be protected.

C. Reclaimed water delivered to end users shall be of acceptable quality for the intended reuses at the point of delivery to end users.

D. There shall be no nuisance conditions resulting from the distribution, use, or storage of reclaimed water.

E. For all irrigation reuses of reclaimed water, the following shall be required:

1. There shall be no application of reclaimed water to the ground when it is saturated, frozen or covered with ice or snow, and during periods of rainfall.

2. The chosen method of irrigation shall minimize human contact with the reclaimed water.

3. Reclaimed water shall be prevented from coming into contact with drinking fountains, water coolers, or eating surfaces.

F. For bulk irrigation reuse of reclaimed water, the following shall be required:

1. Irrigation systems shall be designed, installed and adjusted to:

a. Provide uniform distribution of the reclaimed water over the irrigation site,

b. Prevent ponding or pooling of reclaimed water at the irrigation site,

c. Facilitate maintenance and harvesting of irrigated areas and precludes damage to the irrigation system from the use of maintenance or harvesting equipment,

d. Prevent aerosol carry-over from the irrigation site to areas beyond the setback distances described in subsection H of this section, and

e. Prevent clogging from algae or suspended solids.

2. All pipes, pumps, valve boxes and outlets of the irrigation system shall be designed, installed, and identified in accordance with 9VAC25-740-110 B.

3. Any reclaimed water runoff shall be confined to the irrigation reuse site unless authorized by the board.

G. Overspray of surface waters, including wetlands, from irrigation or other reuses of reclaimed water is prohibited.

H. Setback distances for irrigation reuses of reclaimed water.

1. For sites irrigated with reclaimed water treated to Level 1, the following setback distances are required:

a. Potable water supply wells and springs, and public water supply intakes - 100 feet

b. Nonpotable water supply wells - 10 feet

c. Limestone rock outcrops and sinkholes - 50 feet

2. For sites irrigated with reclaimed water treated to Level 1, no setback distances are required to occupied dwellings and outdoor eating, drinking and bathing facilities. However, aerosol formation shall be minimized within 100 feet of occupied dwellings and outdoor eating, drinking and bathing facilities through the use of low trajectory nozzles for spray irrigation, above-ground drip irrigation, or other means.

3. For sites irrigated with reclaimed water treated to Level 2, the following setback distances are required:

a. Potable water supply wells and springs, and public water supply intakes - 200 feet

b. Nonpotable water supply wells - 10 feet

c. Surface waters, including wetlands - 50 feet

d. Occupied dwellings - 200 feet

e. Property lines and areas accessible to the public - 100 feet

f. Limestone rock outcrops and sinkholes - 50 feet

4. For sites irrigated with reclaimed water treated to Level 2, the setback distances may be reduced as follows:

a. Up to but not exceeding 50% to occupied dwellings, property lines and areas accessible to the public if it can be demonstrated that alternative measures shall be implemented to provide an equivalent level of public health protection. Such measures shall include, but are not limited to, disinfection of the reclaimed water equivalent to Level 1, application of the reclaimed water by methods that minimize aerosol formation (e.g., low trajectory nozzles for spray irrigation, above-ground drip irrigation), installation of permanent physical barriers to prevent migration of aerosols from the reclaimed water irrigation site, or any combination thereof. Written consent of affected landowners is required to reduce setback distances from occupied dwellings or property lines.

b. To but not less than 100 feet to potable water supply wells and springs, or public water supply intakes if it can be demonstrated that disinfection of the reclaimed water is equivalent to Level 1 and there are no other constituents of the reclaimed water present in quantities sufficient to be harmful to human health.

c. To but not less than 25 feet to surface waters, including wetlands, where reclaimed water shall be applied by methods that minimize aerosol formation (e.g., low trajectory nozzles for spray irrigation, above-ground drip irrigation); or permanent physical barriers

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are installed to prevent the migration of aerosols from the reclaimed water irrigation site to surface waters.

5. For irrigation reuses where more than one setback distance may apply, the greater setback distance shall govern.

6. Unless specifically stated otherwise, all setback distances shall be measured horizontally.

I. Minimum separation distances for in-ground reclaimed water distribution pipelines specified in 9VAC25-740-110 B 3, shall apply to in-ground piping for irrigation systems of reclaimed water.

J. A setback distance of 100 feet horizontally shall be maintained from indoor aesthetic features (i.e., decorative waterfalls or fountains) that use reclaimed water treated to Level 1, to adjacent indoor public eating and drinking facilities where the aesthetic features have the potential to create aerosols and eating and drinking facilities are within the same room or building space.

K. A setback distance of 300 feet horizontally shall be provided from an open cooling tower to the site property line where reclaimed water treated to Level 2 is used in the tower. No setback distance shall be required from an open cooling tower to the site property line where a drift or mist eliminator is installed and properly operated or reclaimed water treated to Level 1 disinfection standards is used in the tower. Treatment of the reclaimed water to Level 1 disinfection standards may be provided by the industrial end user through the contract or agreement established by the permittee in accordance with 9VAC25-740-100 B 1 d.

9VAC25-740-180. Operational flow requirements.

A. When the monthly average flow into a reclamation system or satellite reclamation system reaches 95% of the design capacity authorized by the VPDES or VPA permit issued to that system for each month of any three-month period, the permittee shall within 30 days notify the board in writing and within 90 days submit a plan of action for ensuring continued compliance with the terms of the permit.

1. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current problem, or any problem that could be reasonably anticipated, resulting from high flows entering the reclamation system or satellite reclamation system.

2. Upon receipt of the permittee's plan of action, the board shall notify the owner whether the plan is approved or disapproved. If the plan is disapproved, such notification shall state the reasons and specify the actions necessary to obtain approval of the plan.

3. Failure to timely submit an adequate plan shall be deemed a violation of the permit.

4. Nothing herein shall in any way impair the authority of the board to take enforcement action under §62.1-44.15, 62.1-44.23, or 62.1-44.32 of the Code of Virginia.

9VAC25-740-190. Recordkeeping.

A. Operating records shall be maintained at the reclamation system or a central depository within the reclaimed water distribution system for a period as specified in the VPDES or VPA permit issued to the facility. Operating records shall include all analyses specified in these regulations, records of operational problems, alarm failures, unit process and equipment breakdowns, diversions to reject storage or emergency storage, discharge to another permitted reuse system requiring a lower level of treatment, or disposal via a permitted effluent discharge; and all corrective or preventive action taken.

B. A monthly summary of operating records as specified under subsection A of this section shall be maintained at the facility.

9VAC25-740-200. Reporting.

A. Permittees of water reclamation systems and satellite reclamation systems shall submit a monthly monitoring report to the board. The report shall include monitoring results for parameters contained in the VPDES or VPA permit to demonstrate compliance with applicable reclaimed water standards of this regulation.

B. Interruption or loss of reclaimed water supply or discharge of any untreated or partially treated water that fails to comply with standards specified in the VPDES or VPA permit to the service area of intended reuse, shall be reported in accordance with procedures specified in the permit. This report shall also contain a description of any notification provided in accordance with 9VAC25-740-170 A 2.

C. Permittees of reclaimed water distribution systems shall submit an annual report to the board on or before February 10 of the following year. The annual report shall, at a minimum:

1. Estimate the volume of reclaimed water distributed to the service area of the RWM plan, reported as monthly totals for a 12-month period from January 1 through December 31;

2. Provide for reclaimed water not treated to achieve BNR that is used within the service area of the RWM plan, the monthly average concentrations of total N and total P in the reclaimed water, an estimate of the monthly total volume of reclaimed water used for nonbulk irrigation and for bulk irrigation, the monthly total nutrient loads (N and P) to the service area resulting from nonbulk irrigation reuse and from bulk irrigation reuse, and the area in active reuse for nonbulk irrigation and for bulk irrigation within the service area, all reported for a 12-month period from January 1 through December 31; and

3. Provide a summary of ongoing education and notification program activities, including copies of education materials, as required by 9VAC25-740-170 A.

9VAC25-740-210. Delegation of authority.

The director or the director's designee may perform any act of the board provided under this regulation, except as limited by §62.1-44.14 of the Code of Virginia.

DOCUMENTS INCORPORATED BY REFERENCE

Installation of Ductile-Iron Water Mains and Their Appurtenances, ANSI/AWWA C600-05 (Revision of ANSI/AWWA C600-99), effective December 1, 2005, American Water Works Association.

VA.R. Doc. No. R06-33; Filed July 17, 2007, 9:54 p.m.

◆ ————— ◆
TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Emergency Regulation

Title of Regulation: 12VAC30-120. Waivered Services (amending 12VAC30-120-370, 12VAC30-120-380).

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

Effective Dates: September 1, 2007, through August 31, 2008.

Agency Contact: Adrienne Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-4112, FAX (804) 786-1680, or email adrienne.fegans@dmas.virginia.gov.

Preamble: Section 2.2-4011 of the Administrative Process Act states that an emergency situation is: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. This emergency regulation meets the standard at §2.2-4011(ii) of the Code of Virginia as discussed below.

Item 302 M.1 and M.2 of the 2006 appropriation act provides the Department of Medical Assistance Services with the authority to seek federal approval of these changes to its MEDALLION waiver and its Medallion II waiver. In order to conform the state regulations to the federally approved changes and to implement the provisions of these acts, the department shall promulgate emergency regulations to become effective within 280 days or less from the enactment

of this act. The department shall implement these necessary regulatory changes to be consistent with federal approval of the waiver changes.

Currently, persons who are enrolled in managed care organizations who subsequently become enrolled for long-term care services (either NF care or waiver services), are being canceled from their MCOs to receive their acute and long-term care services through the fee-for-service payment mechanism in conjunction with their NF or waiver services. This change will permit waiver enrolled persons to remain in their MCOs while receiving their waiver services. This change will not affect those persons who qualify for the Technology Assisted Waiver, NF nor for persons classified as dual eligibles (Medicare-Medicaid eligibles).

The Home-and-Community-Based Waiver population is currently excluded from participation in the managed care program. This regulatory change will expand managed care operations over "un-managed" populations and also integrate acute and long-term care by improving the current system and increasing care coordination for the elderly and certain persons with disabilities. This program change will prevent enrollees from having to change their current managed care organization for their acute medical care, therefore eliminating any disruptions in care. Key provisions allow for MCO enrollees who are newly enrolled into the HIV-AIDS, Individual and Family Developmental Disabilities Support (IFDDS), Mental Retardation (MR), Elderly or Disabled with Consumer Direction (EDCD), Day Support, and Alzheimer's Waiver programs to continue enrollment in one of the contracted MCOs for their acute care medical needs.

12VAC30-120-370. Medallion II enrollees.

A. DMAS shall determine enrollment in Medallion II. Enrollment in Medallion II is not a guarantee of continuing eligibility for services and benefits under the Virginia Medical Assistance Services Program. DMAS reserves the right to exclude from participation in the Medallion II managed care program any recipient who has been consistently noncompliant with the policies and procedures of managed care or who is threatening to providers, MCOs, or DMAS. There must be sufficient documentation from various providers, the MCO, and DMAS of these noncompliance issues and any attempts at resolution. Recipients excluded from Medallion II through this provision may appeal the decision to DMAS.

B. The following individuals shall be excluded from participating in Medallion II. Individuals not meeting the exclusion criteria must participate in the Medallion II program.

1. Individuals who are inpatients in state mental hospitals;
2. Individuals who are approved by DMAS as inpatients in long-stay hospitals, nursing facilities, or intermediate care facilities for the mentally retarded;

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3. Individuals who are placed on spend-down;
4. Individuals who are participating in the family planning waiver, ~~and or~~ in federal waiver programs for ~~home-based~~ and community-based Medicaid coverage prior to managed care enrollment;
5. Individuals who are participating in foster care or subsidized adoption programs;
6. Individuals under age 21 who are enrolled in DMAS authorized residential treatment or treatment foster care programs;
7. Newly eligible individuals who are in the third trimester of pregnancy and who request exclusion within a department-specified timeframe of the effective date of their MCO enrollment. Exclusion may be granted only if the member's obstetrical provider (physician or hospital) does not participate with the enrollee's assigned MCO. Exclusion requests made during the third trimester may be made by the recipient, MCO, or provider. DMAS shall determine if the request meets the criteria for exclusion. Following the end of the pregnancy, these individuals shall be required to enroll to the extent they remain eligible for Medicaid;
8. Individuals, other than students, who permanently live outside their area of residence for greater than 60 consecutive days except those individuals placed there for medically necessary services funded by the MCO;
9. Individuals who receive hospice services in accordance with DMAS criteria;
10. Individuals with other comprehensive group or individual health insurance coverage, including Medicare, insurance provided to military dependents, and any other insurance purchased through the Health Insurance Premium Payment Program (HIPP);
11. Individuals requesting exclusion who are inpatients in hospitals, other than those listed in subdivisions 1 and 2 of this subsection, at the scheduled time of enrollment or who are scheduled for inpatient hospital stay or surgery within 30 calendar days of the enrollment effective date. The exclusion shall remain effective until the first day of the month following discharge;
12. Individuals who request exclusion during preassignment to an MCO or within a time set by DMAS from the effective date of their MCO enrollment, who have been diagnosed with a terminal condition and who have a life expectancy of six months or less. The client's physician must certify the life expectancy;
13. Certain individuals between birth and age three certified by the Department of Mental Health, Mental Retardation and Substance Abuse Services as eligible for services pursuant to Part C of the Individuals with

Disabilities Education Act (20 USC §1471 et seq.) who are granted an exception by DMAS to the mandatory Medallion II enrollment;

14. Individuals who have an eligibility period that is less than three months;

15. Individuals who are enrolled in the Commonwealth's Title XXI SCHIP program;

16. Individuals who have an eligibility period that is only retroactive; and

17. Children enrolled in the Virginia Birth-Related Neurological Injury Compensation Program established pursuant to Chapter 50 (§38.2-5000et seq.) of Title 38.2 of the Code of Virginia.

C. Individuals enrolled with a MCO that subsequently meet one or more of these criteria during MCO enrollment shall be disenrolled as appropriate by DMAS, with the exception of those who subsequently become recipients in the federal waiver programs, as otherwise defined elsewhere in this chapter, for home and community-based Medicaid coverage (AIDS, IFDDS, MR, EDCD, Day Support, or Alzheimers, or as may be amended from time to time). These individuals shall receive acute and primary medical services via the MCO and shall receive waiver services and related transportation to waiver services via the fee-for-service program.

Individuals excluded from mandatory managed care enrollment shall receive Medicaid services under the current fee-for-service system. When enrollees no longer meet the criteria for exclusion, they shall be required to enroll in the appropriate managed care program.

D. Medallion II managed care plans shall be offered to recipients, and recipients shall be enrolled in those plans, exclusively through an independent enrollment broker under contract to DMAS.

~~D~~ E. Clients shall be enrolled as follows:

1. All eligible persons, except those meeting one of the exclusions of subsection B of this section, shall be enrolled in Medallion II.

2. Clients shall receive a Medicaid card from DMAS, and shall be provided authorized medical care in accordance with DMAS' procedures after Medicaid eligibility has been determined to exist.

3. Once individuals are enrolled in Medicaid, they will receive a letter indicating that they may select one of the contracted MCOs. These letters shall indicate a preassigned MCO, determined as provided in subsection E of this section, in which the client will be enrolled if he does not make a selection within a period specified by DMAS of not less than 30 days.

4. Any newborn whose mother is enrolled with an MCO at the time of birth shall be considered an enrollee of that same MCO for the newborn enrollment period. This requirement does not preclude the enrollee, once he is assigned a Medicaid identification number, from disenrolling from one MCO to another in accordance with subdivision ~~F~~G 1 of this section.

The newborn's continued enrollment with the MCO is not contingent upon the mother's enrollment. Additionally, if the MCO's contract is terminated in whole or in part, the MCO shall continue newborn coverage if the child is born while the contract is active, until the newborn receives a Medicaid number or for the newborn enrollment period, whichever timeframe is earlier. Infants who do not receive a Medicaid identification number prior to the end of the newborn enrollment period will be disenrolled. Newborns who remain eligible for participation in Medallion II will be reenrolled in an MCO through the preassignment process upon receiving a Medicaid identification number.

5. Individuals who lose then regain eligibility for Medallion II within 60 days will be reenrolled into their previous MCO without going through preassignment and selection.

~~E~~ F. Clients who do not select an MCO as described in subdivision ~~D~~ E 3 of this section shall be assigned to an MCO as follows:

1. Clients are assigned through a system algorithm based upon the client's history with a contracted MCO.
2. Clients not assigned pursuant to subdivision 1 of this subsection shall be assigned to the MCO of another family member, if applicable.
3. All other clients shall be assigned to an MCO on a basis of approximately equal number by MCO in each locality.
4. In areas where there is only one contracted MCO, recipients have a choice of enrolling with the contracted MCO or the PCCM program. All eligible recipients in areas where one contracted MCO exists, however, are automatically assigned to the contracted MCO. Individuals are allowed 90 days after the effective date of new or initial enrollment to change from either the contracted MCO to the PCCM program or vice versa.

~~F~~ G. Following their initial enrollment into an MCO or PCCM program, recipients shall be restricted to the MCO or PCCM program until the next open enrollment period, unless appropriately disenrolled or excluded by the department.

1. During the first 90 calendar days of enrollment in a new or initial MCO, a client may disenroll from that MCO to enroll into another MCO or into PCCM, if applicable, for any reason. Such disenrollment shall be effective no later than the first day of the second month after the month in which the client requests disenrollment.

2. During the remainder of the enrollment period, the client may only disenroll from one MCO into another MCO or PCCM, if applicable, upon determination by DMAS that good cause exists as determined under subsection H of this section.

~~G~~ H. The department shall conduct an annual open enrollment for all Medallion II participants. The open enrollment period shall be the 60 calendar days before the end of the enrollment period. Prior to the open enrollment period, DMAS will inform the recipient of the opportunity to remain with the current MCO or change to another MCO, without cause, for the following year. In areas with only one contracted MCO, recipients will be given the opportunity to select either the MCO or the PCCM program. Enrollment selections will be effective on the first day of the next month following the open enrollment period. Recipients who do not make a choice during the open enrollment period will remain with their current MCO selection.

~~H~~ I. Disenrollment for cause may be requested at any time.

1. After the first 90 days of enrollment in an MCO, clients must request disenrollment from DMAS based on cause. The request may be made orally or in writing to DMAS and must cite the reasons why the client wishes to disenroll. Cause for disenrollment shall include the following:

- a. A recipient's desire to seek services from a federally qualified health center which is not under contract with the recipient's current MCO, and the recipient (i) requests a change to another MCO that subcontracts with the desired federally qualified health center or (ii) requests a change to the PCCM, if the federally qualified health center is contracting directly with DMAS as a PCCM;
- b. Performance or nonperformance of service to the recipient by an MCO or one or more of its providers which is deemed by the department's external quality review organizations to be below the generally accepted community practice of health care. This may include poor quality care;
- c. Lack of access to a PCP or necessary specialty services covered under the State Plan or lack of access to providers experienced in dealing with the enrollee's health care needs;
- d. A client has a combination of complex medical factors that, in the sole discretion of DMAS, would be better served under another contracted MCO or PCCM program, if applicable, or provider;
- e. The enrollee moves out of the MCO's service area;
- f. The MCO does not, because of moral or religious objections, cover the service the enrollee seeks;

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g. The enrollee needs related services to be performed at the same time; not all related services are available within the network, and the enrollee's primary care provider or another provider determines that receiving the services separately would subject the enrollee to unnecessary risk; or

h. Other reasons as determined by DMAS through written policy directives.

2. DMAS shall determine whether cause exists for disenrollment. Written responses shall be provided within a timeframe set by department policy; however, the effective date of an approved disenrollment shall be no later than the first day of the second month following the month in which the enrollee files the request, in compliance with 42 CFR 438.56.

3. Cause for disenrollment shall be deemed to exist and the disenrollment shall be granted if DMAS fails to take final action on a valid request prior to the first day of the second month after the request.

4. The DMAS determination concerning cause for disenrollment may be appealed by the client in accordance with the department's client appeals process at 12VAC30-110-10 through 12VAC30-110-380.

5. The current MCO shall provide, within two working days of a request from DMAS, information necessary to determine cause.

6. Individuals enrolled with a MCO that subsequently meet one or more of the exclusions in subsection B of this section during MCO enrollment shall be disenrolled as appropriate by DMAS, with the exception of those who subsequently become recipients into the AIDS, IFDDS, MR, EDCD, Day Support, or Alzheimers federal waiver programs for home-based and community-based Medicaid coverage. These individuals shall receive acute and primary medical services via the MCO and shall receive waiver services and related transportation to waiver services via the fee-for-service program.

Individuals excluded from mandatory managed care enrollment shall receive Medicaid services under the current fee-for-service system. When enrollees no longer meet the criteria for exclusion, they shall be required to enroll in the appropriate managed care program.

12VAC30-120-380. Medallion II MCO responsibilities.

A. The MCO shall provide, at a minimum, all medically necessary covered services provided under the State Plan for Medical Assistance and further defined by written DMAS regulations, policies and instructions, except as otherwise modified or excluded in this part.

1. Nonemergency services provided by hospital emergency departments shall be covered by MCOs in accordance with

rates negotiated between the MCOs and the emergency departments.

2. Services that shall be provided outside the MCO network shall include those services identified and defined by the contract between DMAS and the MCO. Services reimbursed by DMAS include dental and orthodontic services for children up to age 21; for all others, dental services (as described in 12VAC30-50-190), school health services (as defined in 12VAC30-120-360) ~~and~~, community mental health services (rehabilitative, targeted case management and substance abuse services), and long-term care services provided under the §1915(c) home-and community-based waivers including related transportation to such authorized waiver services.

3. The MCOs shall pay for emergency services and family planning services and supplies whether they are provided inside or outside the MCO network.

B. EPSDT services shall be covered by the MCO. The MCO shall have the authority to determine the provider of service for EPSDT screenings.

C. The MCOs shall report data to DMAS under the contract requirements, which may include data reports, report cards for clients, and ad hoc quality studies performed by the MCO or third parties.

D. Documentation requirements.

1. The MCO shall maintain records as required by federal and state law and regulation and by DMAS policy. The MCO shall furnish such required information to DMAS, the Attorney General of Virginia or his authorized representatives, or the State Medicaid Fraud Control Unit on request and in the form requested.

2. Each MCO shall have written policies regarding enrollee rights and shall comply with any applicable federal and state laws that pertain to enrollee rights and shall ensure that its staff and affiliated providers take those rights into account when furnishing services to enrollees in accordance with 42 CFR 438.100.

E. The MCO shall ensure that the health care provided to its clients meets all applicable federal and state mandates, community standards for quality, and standards developed pursuant to the DMAS managed care quality program.

F. The MCOs shall promptly provide or arrange for the provision of all required services as specified in the contract between the state and the contractor. Medical evaluations shall be available within 48 hours for urgent care and within 30 calendar days for routine care. On-call clinicians shall be available 24 hours per day, seven days per week.

G. The MCOs must meet standards specified by DMAS for sufficiency of provider networks as specified in the contract between the state and the contractor.

H. Each MCO and its subcontractors shall have in place, and follow, written policies and procedures for processing requests for initial and continuing authorizations of service. Each MCO and its subcontractors shall ensure that any decision to deny a service authorization request or to authorize a service in an amount, duration, or scope that is less than requested, be made by a health care professional who has appropriate clinical expertise in treating the enrollee's condition or disease. Each MCO and its subcontractors shall have in effect mechanisms to ensure consistent application of review criteria for authorization decisions and shall consult with the requesting provider when appropriate.

I. In accordance with 42 CFR 447.50 through 42 CFR 447.60, MCOs shall not impose any cost sharing obligations on enrollees except as set forth in 12VAC30-20-150 and 12VAC30-20-160.

J. An MCO may not prohibit, or otherwise restrict, a health care professional acting within the lawful scope of practice, from advising or advocating on behalf of an enrollee who is his patient in accordance with 42 CFR 438.102.

K. An MCO that would otherwise be required to reimburse for or provide coverage of a counseling or referral service is not required to do so if the MCO objects to the service on moral or religious grounds and furnishes information about the service it does not cover in accordance with 42 CFR 438.102.

VA.R. Doc. No. R07-729; Filed July 18, 2007, 10:30 a.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Proposed Regulation

Title of Regulation: 18VAC60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (adding 18VAC60-20-81; amending 18VAC60-20-108, 18VAC60-20-190, 18VAC60-20-220).

Statutory Authority: §§54.1-2400 and 54.1-2722 of the Code of Virginia.

Public Hearing Information:

September 7, 2007 - 9 a.m. - Department of Health Professions, 9960 Mayland Drive, Richmond, VA

Public Comments: Public comments may be submitted until October 5, 2007.

Agency Contact: Sandra Reen, Executive Director, Department of Health Professions, 6603 W. Broad Street, 5th

Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, TTY 804-662-7197, or email sandra.reen@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Dentistry the authority to promulgate regulations to administer the regulatory system.

The Dental Practice Act (Chapter 27 (§54.1-2700 et seq.) of Title 54.1 of the Code of Virginia) was amended by Chapter 858 of the 2006 Acts of Assembly as follows: "A dentist may also authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. In its regulations, the Board of Dentistry shall establish the education and training requirements for dental hygienists to administer such controlled substances under a dentist's direction."

Therefore, the Board of Dentistry has a statutory mandate to establish education and training requirements for hygienists to administer.

Purpose: Chapter 858 of the 2006 Acts of Assembly mandates the promulgation of regulations establishing the qualifications or credentials necessary for a dental hygienist to administer inhalation analgesia/nitrous oxide and local anesthesia. In the development of regulations, the board looked at certification requirements in other states and considered a curriculum recommended by the VCU School of Dentistry. The didactic hours in an accredited program coupled with a requirement for clinical experiences with patients and passage of an examination will ensure that a licensed hygienist will have the minimal competency to provide the expanded services with safety. In addition, the law and regulation require that administration must be under the dentist's direction (defined as meaning that "the dentist examines the patient and is present for observation, advice, and control over the performance of dental services"). Hygienists who are licensed by endorsement from other states can be qualified for administration if their education and training was substantially equivalent to requirements of this chapter, or if not, by demonstrating years of experience in administration of nitrous or local anesthesia. Expansion of the scope of practice for dental hygienists should make these services more available to the citizens of the Commonwealth and should support appropriate dental care.

Substance: The board is mandated to promulgate regulations establishing the qualifications necessary for a dental hygienist to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. Such qualifications include specific hours of didactic and clinical training, demonstration of clinical skills on patients, and testing of competency.

The law permits administration of nitrous oxide and local anesthesia by a dental hygienist if authorized by a dentist and

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only under his direction. "Direction" is already defined in regulations of the board as "the dentist examines the patient and is present for observation, advice, and control over the performance of dental services," so regulations are specific about the level of supervision required for such administration.

In addition to establishing requirements for the education and training of dental hygienists, the board has amended existing regulations for the administration of inhalation analgesia and the listing of nondelegable duties, consistent with the amended law. Current regulations for administration and monitoring by dentists are appropriately amended to allow hygienists qualified by education and training to also administer and monitor under the same provisions necessary to protect the health and safety of dental patients.

Issues: The primary advantage of the proposed regulation to the public would be the expanded practice of dental hygienists who would be able to see more patients and provide additional services that require local anesthesia or administration of nitrous oxide. With the additional education and examination of such hygienists, the public could be assured that they possess credentials indicating minimal competency. In addition, the law and regulation require that the supervising dentist be present and provide direction for the administration by a hygienist. The current requirements for monitoring and safety equipment are applicable regardless of which practitioner provides the administration. There should be no disadvantages to the public.

There are no specific advantages or disadvantages to the agency or the Commonwealth. Agencies of the Commonwealth that provide dental services may find it possible to expand those services to certain populations with the use of hygienists who are qualified to administer local anesthesia and nitrous.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 858 of the 2006 Acts of Assembly, the Board of Dentistry (Board) proposes to establish the education and training requirements for dental hygienists to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia under a dentist's direction.

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

Estimated Economic Impact. Chapter 858 of the 2006 Acts of Assembly amended §54.1-2722 of the Code of Virginia to state that "A dentist may ... authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. In its regulations,

the Board of Dentistry shall establish the education and training requirements for dental hygienists to administer such controlled substances under a dentist's direction." According to the American Dental Hygienists' Association, dental hygienists are legally permitted to administer local anesthesia in 38 other states. To implement Chapter 858, the Board reviewed educational and training requirements in other states. The lowest number of required hours of education was found in Kansas (12) with the highest number found in Louisiana (72). The Board proposes to require that in addition to passing an examination, Virginia dental hygienists have at least 36 hours of training (including both didactic and clinical) in the following topics in order to be eligible to administer both local anesthesia and nitrous oxide/inhalation analgesia:

- a. Patient physical and psychological assessment;
- b. Medical history evaluation and record keeping;
- c. Neurophysiology of local anesthesia;
- d. Pharmacology of local anesthetics and vasoconstrictors;
- e. Anatomical considerations for local anesthesia;
- f. Techniques for maxillary infiltration and block anesthesia;
- g. Techniques for mandibular infiltration and block anesthesia;
- h. Local and systemic anesthetic complications;
- i. Management of medical emergencies;
- j. Clinical experiences in maxillary and mandibular infiltration and block injections;
- k. Pharmacology of nitrous oxide;
- l. Adjunctive uses of nitrous oxide for dental patients; and
- m. Clinical experiences in administering nitrous oxide and local anesthesia injections on patients.

In order to qualify for just nitrous oxide/inhalation analgesia administration, the Board proposes to require passage of an examination and at least 8 hours of training (including both didactic and clinical) in the following topics:

- a. Patient physical and psychological assessment;
- b. Medical history evaluation;
- c. Equipment and techniques used for administration of nitrous oxide;
- d. Neurophysiology of nitrous oxide administration;
- e. Pharmacology of nitrous oxide;
- f. Record keeping, medical and legal aspects of nitrous oxide;
- g. Adjunctive uses of nitrous oxide for dental patients; and

h. Clinical experiences in administering nitrous oxide, including training with live patients.

The proposed regulations also include language concerning qualifications for dental hygienists who have a certificate or credential for administration of nitrous oxide/inhalation analgesia or local anesthesia in another U.S. jurisdiction. The proposed regulations state that if the qualifications on which the credential or certificate was issued were substantially equivalent in hours of instruction and course content to those set forth in these regulations, then the hygienist qualifies for administration in Virginia. Also, if the certificate or credential issued by another jurisdiction was not substantially equivalent, the hygienist can still qualify if she documents experience in such administration for at least 24 of the past 48 months preceding application for licensure in Virginia.

The proposed regulations also specify that “A dentist who provides direction for the administration of nitrous oxide/inhalation analgesia or local anesthesia shall ensure that the dental hygienist has met the qualifications for such administration” The hygienist’s administration must be under the direction of the dentist. The dentist is fully responsible for the qualifications and work of the hygienist.

The proposed regulations clearly provide a net benefit for dentists since dentists are presented with a new option for use of their employees’ time. Dentists will only pursue this option if they decide it is to their benefit. Hygienists will become more useful for the dentists that choose to have their hygienists administer nitrous oxide/inhalation analgesia or local anesthesia. Thus, the demand for hygienist’ time may increase, and they may be rewarded with higher pay. Given the proposed qualification requirements and clarity that the dentist is fully responsible for the work performed, it appears that there will likely not be a significant increase in safety risk to patients.

Businesses and Entities Affected. The proposed amendment affects dentists, dental hygienists, and their patients. According to the department, there are 5,890 dentists and 4,307 dental hygienists licensed in Virginia. Based on Virginia Employment Commission data, there are 2,773 dental practices in the Commonwealth. All of the dental practices are small businesses.

Localities Particularly Affected. The proposed amendment does not disproportionately affect specific localities.

Projected Impact on Employment. Some dental hygienists may work moderately greater hours.

Effects on the Use and Value of Private Property. The proposed amendment will allow dental practices to use their staff somewhat more productively. Thus, the value of some dental practices may moderately increase.

Small Businesses: Costs and Other Effects. The proposed amendment may moderately reduce costs for some small businesses, i.e., dental practices.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed amendment does not adversely affect small businesses.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with §2.2-4007 H of the Administrative Process Act and Executive Order Number 36 (06). 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 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 Response to Economic Impact Analysis: The Board of Dentistry concurs with the analysis of the Department of Planning and Budget for the proposed regulation, 18VAC60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene, relating to requirements for dental hygienists to administer local anesthesia and/or nitrous oxide.

Summary:

The board is proposing to amend regulations to comply with a statutory mandate as set forth in Chapter 858 of the 2006 Acts of Assembly. The proposed amendments establish education and examination requirements for a dental hygienist to demonstrate competency in the administration of local anesthesia and nitrous oxide under the direction of a licensed dentist, including a minimum of eight didactic and clinical hours for administration of nitrous oxide and 36 hours for administration of both nitrous and local anesthesia.

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18VAC60-20-81. Administration of local anesthesia and/or nitrous oxide by dental hygienists.

A. A dental hygienist who meets the qualifications set forth in this section and who is under the direction of a dentist may administer nitrous oxide/inhalation analgesia or, to patients 18 years of age or older, local anesthesia. Local anesthesia shall not include topical Schedule VI medicinal agents that may be administered under general supervision pursuant to 18VAC60-20-220 B.

B. To be eligible to administer only nitrous oxide/inhalation analgesia, a dental hygienist shall:

1. Successfully complete a didactic and clinical course leading to certification in administration of nitrous oxide offered by a dental or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association, which includes a minimum of eight hours in didactic and clinical in the following topics:

- a. Patient physical and psychological assessment;
- b. Medical history evaluation;
- c. Equipment and techniques used for administration of nitrous oxide;
- d. Neurophysiology of nitrous oxide administration;
- e. Pharmacology of nitrous oxide;
- f. Recordkeeping, medical and legal aspects of nitrous oxide;
- g. Adjunctive uses of nitrous oxide for dental patients; and
- h. Clinical experiences in administering nitrous oxide, including training with live patients.

2. Successfully complete an examination with a minimum score of 75% in the administration of nitrous oxide/inhalation analgesia given by the accredited program.

C. To be eligible to administer both local anesthesia and nitrous oxide/inhalation analgesia, a dental hygienist shall:

1. Successfully complete a didactic and clinical course leading to certification in administration of local anesthesia and nitrous oxide/inhalation analgesia that is offered by a dental or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association, which includes a minimum of 36 didactic and clinical hours in the following topics:

- a. Patient physical and psychological assessment;
- b. Medical history evaluation and recordkeeping;
- c. Neurophysiology of local anesthesia;

d. Pharmacology of local anesthetics and vasoconstrictors;

e. Anatomical considerations for local anesthesia;

f. Techniques for maxillary infiltration and block anesthesia;

g. Techniques for mandibular infiltration and block anesthesia;

h. Local and systemic anesthetic complications;

i. Management of medical emergencies;

j. Clinical experiences in maxillary and mandibular infiltration and block injections;

k. Pharmacology of nitrous oxide;

l. Adjunctive uses of nitrous oxide for dental patients; and

m. Clinical experiences in administering nitrous oxide and local anesthesia injections on patients.

2. Successfully complete an examination with a minimum score of 75% in the administration of nitrous oxide/inhalation analgesia and local anesthesia given by the accredited program.

D. A dental hygienist who holds a certificate or credential issued by the licensing board of another U.S. jurisdiction that authorizes the administration of nitrous oxide/inhalation analgesia or local anesthesia may be authorized for such administration in Virginia if:

1. The qualifications on which the credential or certificate was issued were substantially equivalent in hours of instruction and course content to those set forth in subsections B and C of this section; or

2. If the certificate or credential issued by another jurisdiction was not substantially equivalent, the hygienist can document experience in such administration for at least 24 of the past 48 months preceding application for licensure in Virginia.

E. A dentist who provides direction for the administration of nitrous oxide/inhalation analgesia or local anesthesia shall ensure that the dental hygienist has met the qualifications for such administration as set forth in this section.

18VAC60-20-108. Administration of anxiolysis or inhalation analgesia.

A. Education and training requirements. A dentist who utilizes anxiolysis or inhalation analgesia shall have training in and knowledge of:

1. Medications used, the appropriate dosages and the potential complications of administration.

2. Physiological effects of nitrous oxide and potential complications of administration.

B. Equipment requirements. A dentist who utilizes anxiolysis or inhalation analgesia or who directs the administration of inhalation analgesia by a dental hygienist shall maintain the following equipment in his office and be trained in its use:

1. Blood pressure monitoring equipment.
2. Positive pressure oxygen.
3. Mechanical (hand) respiratory bag.

C. Monitoring requirements.

1. The treatment team for anxiolysis shall consist of the dentist and a second person in the operatory with the patient to assist, monitor and observe the patient. One member of the team shall be in the operatory monitoring the patient at all times once the administration has begun. A dentist who utilizes anxiolysis shall ensure that there is continuous visual monitoring of the patient to determine the level of consciousness.

2. A dentist ~~who utilizes anxiolysis or inhalation analgesia shall ensure that there is continuous visual monitoring of the patient to determine the level of consciousness or a dental hygienist who utilizes inhalation analgesia shall ensure that there is continuous visual monitoring of the patient to determine the level of consciousness.~~

3. If inhalation analgesia is used, monitoring shall include making the proper adjustments of nitrous oxide machines at the request of or by the dentist or a dental hygienist qualified in accordance with requirements of 18VAC60-20-81 to administer nitrous oxide during administration of the sedation and observing the patient's vital signs.

D. Discharge requirement. The dentist shall ensure that the patient is not discharged to his own care until he exhibits normal responses.

18VAC60-20-190. Nondelegable duties; dentists.

Only licensed dentists shall perform the following duties:

1. Final diagnosis and treatment planning;
2. Performing surgical or cutting procedures on hard or soft tissue;
3. Prescribing or parenterally administering drugs or medicaments;
4. Authorization of work orders for any appliance or prosthetic device or restoration to be inserted into a patient's mouth;
5. Operation of high speed rotary instruments in the mouth;
6. Performing pulp capping procedures;

7. Administering and monitoring general anesthetics and conscious sedation except as provided for in §54.1-2701 of the Code of Virginia and 18VAC60-20-108 C, 18VAC60-20-110 F, and 18VAC60-20-120 F;

~~8. Administering nitrous oxide or oxygen inhalation analgesia;~~

~~9-8.~~ 8. Condensing, contouring or adjusting any final, fixed or removable prosthodontic appliance or restoration in the mouth;

~~10-9.~~ 9. Final positioning and attachment of orthodontic bonds and bands;

~~11-10.~~ 10. Taking impressions for master casts to be used for prosthetic restoration of teeth or oral structures;

~~12-11.~~ 11. Final cementation of crowns and bridges; and

~~13-12.~~ 12. Placement of retraction cord.

18VAC60-20-220. Dental hygienists.

A. The following duties shall only be delegated to dental hygienists under direction with the dentist being present:

1. Scaling and root planing of natural and restored teeth using hand instruments, rotary instruments and ultrasonic devices under anesthesia administered by the dentist.
2. Performing an initial examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

3. Administering nitrous oxide or local anesthesia by dental hygienists qualified in accordance with the requirements of 18VAC60-20-81.

B. The following duties shall only be delegated to dental hygienists and may be delegated by written order in accordance with §54.1-3408 of the Code of Virginia to be performed under general supervision without the dentist being present:

1. Scaling and root planing of natural and restored teeth using hand instruments, rotary instruments and ultrasonic devices.
2. Polishing of natural and restored teeth using air polishers.
3. Performing a clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for further evaluation and diagnosis by the dentist.
4. Subgingival irrigation or subgingival application of topical Schedule VI medicinal agents.
5. Duties appropriate to the education and experience of the dental hygienist and the practice of the supervising dentist, with the exception of those listed in subsection A

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of this section and those listed as nondelegable in 18VAC60-20-190.

C. Nothing in this section shall be interpreted so as to prevent a licensed dental hygienist from providing educational services, assessment, screening or data collection for the preparation of preliminary written records for evaluation by a licensed dentist.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Final Regulation

Title of Regulation: **18VAC120-40. Virginia Professional Boxing and Wrestling Events Regulations (amending 18VAC120-40-10, 18VAC120-40-20, 18VAC120-40-80 through 18VAC120-40-360, 18VAC120-40-390, 18VAC120-40-410, 18VAC120-40-420, 18VAC120-40-430; adding 18VAC120-40-15, 18VAC120-40-221, 18VAC120-40-222, 18VAC120-40-295, 18VAC120-40-342, 18VAC120-40-385, 18VAC120-40-411, 18VAC120-40-411.1 through 18VAC120-40-411.21, 18VAC120-40-415, 18VAC120-40-415.1, 18VAC120-40-415.2, 18VAC120-40-415.3; repealing 18VAC120-40-370, 18VAC120-40-380, 18VAC120-40-400).**

Statutory Authority: § 54.1-831 of the Code of Virginia.

Effective Date: September 5, 2007.

Agency Contact: Karen O'Neal, Deputy Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone 804-367-8537, FAX 804-367-2475, TTY 804-367-9357, or email karen.oneal@dpor.virginia.gov.

Summary:

The amendments include restructuring the regulations to better distinguish between boxing (including kick boxing, mixed martial arts, and other similar contests) and wrestling. The changes separate duties of event officials into two parts: (i) boxing, kick boxing and similar contests; and (ii) wrestling. The changes separate the event licensing and standards of conduct into three parts: (i) boxing; (ii) kick boxing and similar contests; and (iii) wrestling. The changes are made to comply with Chapter 287 of the 2005 Acts of Assembly, incorporate generally accepted industry standards and make the regulations easier to use.

Changes from the proposed regulation include adding a definition of "charity event" and amending the definition of "event" for clarity. Boxers are required to submit a certification from a physician along with their application for licensure and the department is permitted to request further medical tests for the protection of the boxer. Boxers may be denied participation in an event if

they have a license in another jurisdiction that has been denied for medical reasons and the department may consider the boxing severity index when approving an event.

Health insurance requirements were changed to comply with the Association of Boxing Commissions guidelines. Wrestlers may provide a waiver of liability in lieu of the required insurance.

Language was added regarding all types of events permitting the department to consider the size and configuration of the location of the event and to deny approval of an event for safety reasons. A ring in the shape of a hexagon will be permitted for all types of events.

An exception to the prohibition of wearing cosmetics or jewelry was made for wrestlers, unless the event official determines there is a safety risk.

A provision prohibiting a license, certificate or registration to be used by another was added.

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.

Part I

Scope

18VAC120-40-10. Scope.

~~These regulations contain~~ This chapter contains procedures and requirements for the licensure of individuals and firms to engage in the conduct of professional boxing and wrestling events as provided for in Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia.

Amateur boxing and wrestling contests, where the participants receive no money, compensation, including a promise of participation in a future nonamateur event, or reward other than a suitably inscribed memento are exempt from the provisions of Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and from the provisions of ~~these regulations~~ this chapter. Amateurs may participate in licensed events only if the portion of the event containing amateur matches is sanctioned by a nationally recognized sanctioning organization. The department will not exercise any control over amateur contests that take place during a licensed event.

The director of the department is empowered to (i) promulgate ~~these regulations~~ this chapter, (ii) issue licenses, (iii) investigate to determine compliance with ~~these regulations~~ this chapter, and (iv) take disciplinary action, in accordance with the Virginia Administrative Process Act, against those who fail to comply with ~~these regulations~~ this chapter. Furthermore, to the extent applicable, ~~these~~

regulations this chapter shall be construed in accordance with and governed by Virginia's Administrative Process Act. The director is also empowered to contract with a vendor to perform certain tasks on the director's behalf. These tasks include examining and recommending licensure, investigating and ensuring that events are conducted in compliance with statutes and regulations, performing clerical duties, collecting fees, maintaining records, developing proposed regulations, and recommending enforcement actions.

18VAC120-40-15. Applicability.

As referenced in this chapter and in §54.1-828 of the Code of Virginia, boxing includes boxing, kick boxing, mixed martial arts, or similar contests. Individuals participating in these events are required to be licensed as a boxer. Requirements to obtain a boxer license are set forth in 18VAC120-40-70 and 18VAC120-40-80. Event licensing and conduct standards for boxing are set forth in 18VAC120-40-230 through 18VAC120-40-410. Event licensing and conduct standards for kick boxing and other similar contests, including mixed martial arts, are set forth in 18VAC120-40-411 through 18VAC120-40-411.21.

Individuals participating in wrestling events are required to be licensed as a wrestler. Requirements to obtain a wrestler license are set forth in 18VAC120-40-70 and 18VAC120-40-90. Event licensing and conduct standards for wrestling are set forth in 18VAC120-40-415 through 18VAC120-40-415.3.

Part II

General Provisions

18VAC120-40-20. Definitions.

Section 54.1-828 of the Code of Virginia provides definitions of the following terms:

Boxer

Boxing

Cable television system

Contractor

Department

Director

Event

License

Manager

Martial arts

Matchmaker

Person

Promote

Promoter

Trainer, second or cut man

Wrestler

Wrestling

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

"Assistant event inspector" means the individual assigned to assist the event inspector.

"Boxer registry" means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

["Charity event" means an event where all or a portion of the proceeds are donated to a charitable organization that is tax-exempt under §501 (c) (3) of the Internal Revenue Code.]

"Contest," "bout," or "match" means the portion of an event wherein specific individuals (two boxers, or two or more wrestlers) engage in boxing or wrestling which ends when a decision is reached.

"Event," as defined in §54.1-828 of the Code of Virginia, begins when a promoter takes possession or control of a facility or area [as specified in the contract between the promoter and the facility] and lasts until the promoter releases control of the facility or area. One event shall not exceed one 24-hour period.

"Event inspector" means the individual assigned to be in overall charge of the conduct of an event to assure compliance with this chapter.

"Event license" means a method of regulation whereby any promoter arranging or conducting a boxing or wrestling event is required to obtain a prior authorization from the department.

"Event officials" means those individuals assigned to carry out the duties of an event inspector, assistant event inspector, inspector, referee, timekeeper, judge, or ringside physician as established by this chapter.

"Firm" means any sole proprietorship, general partnership, limited partnership, limited liability company, association, corporation or other business entity.

"Inspector" means the individual assigned to assist the event inspector as provided for in this chapter.

"Judge" means an individual assigned to score a boxing contest as provided for in this chapter.

"Licensed event" means an event that has been issued a license from the department in accordance with this chapter.

"Rabbit punch" means a blow delivered by a boxer against his opponent that strikes the back of the opponent's neck or head with a chopping motion or punch.

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"Referee" means the event official assigned to a boxing contest to assure the proper conduct of the contest and the safety of the contestants or the licensed wrestler assigned to a wrestling contest to assure the safety of the spectators as provided for in this chapter.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The general partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company; or
6. The officers and directors of an association.

"Ringside physician" means the medical doctor assigned to assure the medical health and safety of each boxer as provided for in this chapter.

"Task force" means the professional boxing and wrestling task force.

"Ten point must system" means the winner of the round must receive 10 points.

"Timekeeper" means the individual assigned to time each round and the interval between rounds, and to count for knockdowns as provided for in this chapter.

Part III

Individual and Event Licensing Standards

18VAC120-40-80. Entry requirements for boxer.

~~A.~~ Each applicant for a license as a boxer shall submit a completed application as described in 18VAC120-40-70 and shall:

1. Have a satisfactory record of professional boxing or, in the case of applicants who have participated in fewer than ~~10~~ five professional boxing bouts, evidence of competency in the elements of offense and defense. Such evidence may take the form of signed statements from individuals who have provided training to the applicant or records of the applicant's conduct in amateur as well as professional boxing competition and shall be sufficient to satisfy the department that the applicant has the ability to compete.

- ~~2. Submit a list of all ring names under which the applicant has competed as a boxer in this Commonwealth or elsewhere.~~

- ~~3. Have a current personal identification number as required by 15 USC §6305.~~

4. 2. Submit the following certification:

I understand as a professional boxer I should be aware that this sport includes many health and safety risks, in particular the risk of brain injury. As such I will take the necessary medical exams that detect brain injury. If I need further information about these exams I will ask my doctor or staff of the department.

- ~~5.~~ 3. Submit a complete professional record *or, if amateur just turning professional, an amateur record*, [~~including date and result of last fight~~ an amateur passbook recognized by USA Boxing, or a letter from the applicant's trainer certifying the applicant's boxing experience, skill level, physical condition and current training program.]

4. Submit a certification from a licensed physician within the past six months certifying that the applicant is in good physical health and that the physician has not observed any abnormalities or deficiencies that would prevent the applicant from participation in a boxing event or endanger the applicant, the public, officials or other licensees participating in the event. The department may require additional medical tests to determine the fitness of a boxer upon receipt of reliable information of a preexisting condition that may present a danger to the boxer.]

- ~~B. The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.~~

18VAC120-40-90. Entry requirements for wrestler.

- A. Each applicant for a license as a wrestler shall submit a completed application as described in 18VAC120-40-70 and a signed statement ~~from a licensed physician certifying~~ that the applicant is in good physical health ~~and~~ has no abnormalities or deficiencies [~~which that~~] would prevent his participation in a wrestling event or endanger the applicant's health when engaging in a wrestling exhibition, and understands the health and safety risks involved in participation in a wrestling event and, if not previously licensed in the Commonwealth, a statement certifying his experience and training.

- B. The department may deny the application for a license as a wrestler to any applicant who has suffered a serious head injury or other serious physical injury, and may, in any case, require an additional, specific medical examination to determine the applicant's suitability before approving the applicant for licensure as a wrestler.

- C. The department may deny the application for a license as a wrestler of any applicant who has been subject to the following actions by agencies in other jurisdictions that regulate wrestling:

1. Denial or suspension of a license as a wrestler for reasons of medical safety when it has been determined by competent medical examination that participation in a

wrestling event by the applicant may pose a risk to the applicant's health; or

2. A violation of a law or regulation governing wrestling which is substantially the same as that found in Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia or in this chapter.

18VAC120-40-100. Entry requirements for manager.

Each applicant for a license as a manager shall submit a completed application as described 18VAC120-40-70 and a statement that the applicant possesses a knowledge of this chapter. The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.), as amended.

18VAC120-40-110. Entry requirements for matchmaker.

Each applicant for a license as a matchmaker shall submit a completed application as described in 18VAC120-40-70 and a statement that the applicant does not employ and does not otherwise have a financial interest in or commercial connection with any wrestler, boxer, manager, trainer, or second, except that which may be necessary to arrange a wrestler's or boxer's participation in a specific event. The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.), as amended.

18VAC120-40-120. Entry requirements for promoter.

Each applicant for a license as a promoter shall submit a completed application as described in 18VAC120-40-70, a statement that the applicant possesses knowledge of this chapter and the following certification:

I understand that I am not entitled to compensation in connection with a boxing match, including gate fees, until I provide the department with a copy of any agreement in writing to which I and any boxer participating in the match are parties; a statement made under penalty of perjury that there are no other agreements; a statement of fees, charges and expenses that will be assessed by or through me on the boxer, including any portion of the boxer's purse that I receive and training expenses; all payments, gifts or benefits I am providing to any sanctioning organization affiliated with the event; any reduction in the boxer's purse contract to a previous agreement between myself and the boxer. Further, I understand that I am not entitled to compensation in connection with a boxing match until I provide the boxer I promote with the amounts of any compensation or consideration that I have contracted to receive from such match; all fees, charges and expenses that will be assessed by or through me on the boxer pertaining to the event, including any portion of the boxer's purse that I will receive and training expenses; and any

reduction in a boxer's purse contract to a previous agreement between myself and the boxer.

The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.), as amended.

18VAC120-40-130. Entry requirements for trainer, second, or ~~cutman~~ cut man .

Each applicant for a license as a trainer, second, or ~~cutman~~ cut man] shall submit a completed application as described in 18VAC120-40-70 and evidence of a knowledge of:

1. This chapter;
2. The treatment of injuries;
3. Physical conditioning, health care, nutrition, training, first aid, and the effects of alcohol as it relates to boxing; and
4. The bandaging of a boxer's hand.

The required evidence may take the form of the applicant's official record from a state regulatory agency, signed statements from current or former client or clients, or other documentary evidence that establishes that the applicant is competent. The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.), as amended.

Part IV

Official Approval and Conduct Standards for Events

Part IV

Official Approval and Assignment to Events

18VAC120-40-140. Requirements for approval to act as a ~~boxing event inspector, inspector, referee, judge, or timekeeper~~ an event official.

A. To qualify to act on the department's behalf as an event ~~inspector, inspector, referee, judge, or timekeeper of boxing contests~~ official, a person must:

1. Be at least 18 years of age;
2. Not have been convicted or found guilty, regardless of adjudication, of any felony or other crime involving lying, cheating or stealing, or involving illegal drugs or other acts involving the sport of boxing. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of conviction, authenticated in such form as to be admissible as evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction; and
3. Submit verifications from three persons of his proficiency as an event inspector, locker room inspector,

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referee, judge, or timekeeper, whichever is appropriate. Evidence of approval by the department, its contractor, or another jurisdiction with a regulatory program substantially equivalent to this chapter, may be submitted in lieu of the verifications from three persons.

B. In addition to requirements set forth in subsection A of this section, each referee or judge shall submit the following certification:

I understand that I am not entitled to receive any compensation in connection with a boxing match until I provide the department a statement of all consideration, including reimbursement for expenses that will be received from any source for participation in the match.

18VAC120-40-150. Requirements for approval of [~~boxing~~] ringside physicians.

To qualify to act on the department's behalf as a [~~boxing~~] ringside physician, an applicant must provide evidence of (i) licensure by the Virginia Board of Medicine as a physician ~~for a period of at least five years~~ and (ii) a current certification in cardiopulmonary resuscitation or osteopathic medicine.

18VAC120-40-160. Assignment to ~~boxing~~ event.

A. The department or its contractor shall assign a sufficient number of event officials to each licensed ~~boxing~~ event who shall discharge the duties established in this chapter and to assure compliance with Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. Event officials not assigned to a licensed event shall be present at the event only upon payment of admission as a spectator.

Part V

Duties of Event Officials for Boxing, Kick Boxing and Similar Contests

18VAC120-40-170. Duties of ~~boxing~~ event inspectors.

A. An event inspector shall be assigned by the department or its contractor to each ~~boxing~~ event and shall be in overall charge of the conduct of the event and shall assure that all assigned inspectors, referees, timekeepers, judges, and ringside physicians are present and perform their duties.

B. The event inspector shall officiate at weigh-in to assure that all boxers are properly weighed and licensed, and shall assure that the boxers have no weights or other objects which could influence the accuracy of the weighing.

C. The assigned event inspector shall comply with all procedures established by the department and assure compliance with Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

D. The assistant event inspector shall perform all duties assigned by the event inspector.

18VAC120-40-180. Duties of ~~boxing~~ locker room inspectors.

A. ~~Inspectors~~ Locker room inspectors shall be assigned to each event to assist the event inspector in the discharge of his duties.

B. ~~Inspectors~~ Locker room inspectors shall be assigned by the event inspector to be in charge of the ~~dressing~~ locker room and the corners and shall accompany the boxers to the corner. ~~At~~ A locker room inspector shall remain in each corner and assure compliance with this chapter.

C. ~~At~~ A locker room inspector shall assist the event inspector during the weigh-in and, when requested, assist the ringside physician during the physical examination.

D. ~~Inspectors~~ Locker room inspectors shall comply with all procedures established by the department and perform other duties as assigned to assure compliance with this chapter.

18VAC120-40-190. Duties of ~~boxing~~ referees.

An assigned referee shall pass a prefight physical performed by the ringside physician in accordance with 18VAC120-40-220, comply with all procedures established by the department, perform other duties as assigned to assure compliance with this chapter, and perform the following duties before, during, and after each assigned contest:

1. Provide the prefight instructions to boxers;
2. Assure that each boxer is properly gloved and wearing the required safety equipment;
3. Exercise supervision over the conduct of the contest to assure compliance with this chapter and to take immediate corrective action when a failure to comply is observed;
4. Immediately stop any contest when, in his judgment, one of the boxers is outclassed by the other, injured, or otherwise unable to safely continue to participate in the contest;
5. Endeavor to perform his duties in a manner which does not impede the fair participation of either boxer;
6. Consult, when he feels it appropriate, with the ringside physician on the advisability of stopping the contest if either boxer appears injured or unable to continue;
7. Count for knockdowns and knockouts as provided for in 18VAC120-40-340;
8. Determine fouls and stop contests as provided in 18VAC120-40-342 and 18VAC120-40-350;
9. Immediately stop any contest and notify the department's representative or contractor present at the

event if one or both of the boxers is not putting forth his best effort; and

10. Assure the health and well-being of the boxers to the greatest extent possible.

18VAC120-40-200. Duties of boxing judges.

An assigned boxing judge shall comply with all procedures established by the department, perform other duties assigned to assure compliance with this chapter, and perform the following duties before, during, and after each assigned contest:

- ~~1. Score each contest on the 10 point system. The better boxer of each round shall receive 10 points and the opponent proportionately less. If the round is even, assign each boxer 10 points. No fractional points shall be given. Points shall be awarded immediately after the end of the round;~~
- ~~2. 1.~~ Be present and attentive during the entire contest;
3. 2. Provide his scorecards to the event inspector or his designee at the end of each round; and
4. 3. Report to the event inspector or his designee promptly at the time directed.

18VAC120-40-210. Duties of boxing timekeepers.

An assigned boxing timekeeper shall comply with all procedures established by the department, perform other duties as assigned to assure compliance with this chapter, and perform the following duties before, during, and after each assigned contest:

1. Provide a chronometer of a type suitable for timing the rounds of a boxing contest;
2. Assure that a warning is sounded 10 seconds before the start of each round by blowing a whistle or other sound easily heard by the boxers and distinct from the sound signaling the beginning and end of each round;
3. Assure that each round and the interval between each round is correctly and uniformly timed and that a bell or gong with a distinctive tone which is easily heard by the boxers is sounded at the beginning and end of each round;
4. Assist the referee in the counting for a knockdown to assure the downed boxer receives the correct amount of time allowed by this chapter to return to the contest; and
5. Report to the event inspector or his designee promptly at the time directed.

18VAC120-40-220. Duties of ringside physicians.

The assigned ringside physician shall comply with all procedures established by the department and perform the following duties before, during, and after each assigned contest:

1. Conduct a physical examination of each referee immediately before the contest to assure his fitness to act as a referee.
2. Conduct a physical examination and take a medical history of each boxer immediately before the contest to assure his fitness to compete. ~~Tests, including a pregnancy test, may be conducted if the ringside physician determines it is necessary to assure the health and safety of the boxer;~~
3. Report to the event inspector or his designee promptly at the time directed and remain at ringside during the entire duration of all contests assigned;
4. Signal the referee immediately in the event an injury is observed which the referee has not observed and enter the ring only after the referee has stopped or suspended the action;
5. Render immediate medical aid to any boxer injured during a contest and, where appropriate, accompany the boxer to the hospital or other place where competent medical aid may be delivered. In no case shall the assigned ringside physician cease the direct application of his skills as a physician to an injured boxer until such time as the ringside physician, in his best medical judgment, determines that his services are no longer necessary or the injured boxer is under the care of other medically competent individuals;
6. Assure all substances in the possession of seconds, trainers, or [~~cutmen~~ cut men] are appropriate for use on boxers during the course of the contest; and
7. Report immediately to the department or its contractor his determination of the fitness of each boxer to participate in the boxing contest. A written report summarizing the results of his examination of each boxer shall be provided to the department or its contractor within 24 hours after the date of the licensed boxing event.

Part VI

Duties of Officials for Wrestling

18VAC120-40-221. Duties of event inspectors.

A. An event inspector may be assigned by the department or its contractor to each event and shall be in overall charge of the conduct of the event and shall assure that all assigned officials are present and perform their duties.

B. The assigned event inspector shall comply with all procedures established by the department and assure compliance with Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

C. An assistant event inspector shall perform all duties assigned by the event inspector.

18VAC120-40-222. Duties of locker room inspectors.

Regulations

A. Locker room inspectors may be assigned to each event to assist the event inspector in the discharge of his duties.

B. Locker room inspectors shall comply with all procedures established by the department and perform other duties as assigned to assure compliance with this chapter.

Part ~~V~~ VII

Event Licensing and Conduct Standards for Boxing

18VAC120-40-230. Application for a license to conduct a boxing ~~or wrestling~~ event.

A. At least ~~14~~ 30 days before the date of any boxing ~~or wrestling~~ event in the Commonwealth, the licensed promoter desiring to conduct the event shall deliver an application for a license to conduct a boxing ~~or wrestling~~ event to the department or its contractor. The application shall be on forms provided by the department and shall include:

1. The card of boxing ~~or wrestling~~ contests to be exhibited, including the name of each ~~contestant~~ boxer, the boxer's federal identification number, and, ~~in the case of a boxing contest,~~ the number of rounds each is scheduled to compete. The promoter may modify the card at any time up to the day of the event by providing the required documents for the additions to and notice of the deletions from the card which accompanied the application;

2. Verification of all scheduled boxers' fight records;

~~2.~~ 3. The date, location, and time of the event for which a license is sought [. The department will consider the size and configuration of the location and may deny approval of the event license for safety reasons];

~~3.~~ 4. Evidence that all boxers scheduled to compete are covered by a health insurance policy that covers medical expenses for injuries incurred during the boxing event, has a minimum of coverage of ~~\$25,000~~ [~~\$10,000~~ \$50,000 and an accidental death insurance benefit coverage in a minimum amount of \$50,000], and meets all requirements specified in 15 USC § 6304;

4. 5. Evidence of a surety bond filed with the department or its contractor conditioned on the payment of gate fees and penalties imposed by Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and on the fulfillment of contracts made with boxers ~~and wrestlers~~. The bond shall be in form and substance satisfactory to the department and in an amount equal to the sum of (i) the total gate fee required by this chapter and §54.1-833 A of the Code of Virginia if all seats were to be sold and (ii) the total amount due to all boxers ~~and wrestlers~~ for their appearance in the event, ~~but shall not exceed \$100,000~~. The bond shall not exceed \$100,000 and shall be executed by a surety authorized to do business in the Commonwealth;

~~5.~~ 6. Acknowledgment that the boxing promoter will provide a copy of the contract between the promoter ~~applying for an event license~~ and each licensed boxer at weigh-in. ~~No contract shall be required from wrestling promoters;~~

~~6.~~ 7. A copy of each contract by the promoter for the sale of rights to distribute in any manner such event by any video, telephonic, or other communication method involving the control of electrons or other charge carriers; [~~and~~]

7. 8. A statement that the applicant has read and understands this chapter and will conduct the event in full compliance with same [~~; and~~

9. Verification of status as a charity event as defined in this chapter.]

B. In no case shall the applicant for an event license announce or advertise, either directly or indirectly, the event to the public until the department has approved the application and issued the event license.

18VAC120-40-240. Equipment to be provided by boxing promoters.

The promoter shall assure that each event shall have the following:

1. A boxing fighting ring, which shall be in the shape of a square ~~not less than 16 feet nor more than 24 feet on each side within the ropes.~~ [, a hexagon,] or an octagon. A square ring shall not be less than 18 feet square inside the ropes and shall not exceed 20 feet square inside the ropes. [~~An~~ A hexagon or] octagon ring shall not be less than 18 feet (from any side to the opposite side) inside the ropes and shall not exceed 32 feet (from any side to the opposite side) inside the ropes.

The ring floor ~~must extend at least 18 inches beyond the ropes and~~ shall be padded with ensolite one inch thick or another similar closed-cell foam. ~~Padding~~ The padded ring floor must extend at least 18 inches beyond the ring ropes and over the edge of the platform with a top covering of canvas, ~~duck,~~ or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges or material with a slick covering shall not be used.

The ring platform shall not be more than five feet above the floor of the building and shall ~~be provided with~~ have suitable steps for use by ~~contestants~~ boxers in their corners and by the ringside physician in a neutral corner.

Ring posts shall be of metal, not more than three inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor. The ring posts must be at least 18 inches away from the ropes.

There shall be four ring ropes not less than one inch in diameter and wrapped in soft material. The lower rope shall be 18 inches above the ring floor; evenly spaced, with the bottom ring rope not less than 18 inches above the ring floor and the top ring rope not more than 52 inches above the ring floor. The ring ropes must be padded with a padding of closed cell padding of not less than 1/2 inch. Ropes are to be connected with soft rope ties six feet apart. All ring ropes are to be tight and approved by the department or its contractor.

All corners must be padded with approved pads. All turnbuckles are to be covered with a protective padding.

A ring stool and bucket shall be provided for each boxer's corner.

The ring shall have bright lights and light all four corners and middle of the ring equally. No lights shall shine into the face of the boxers or [ring-side ringside] judges; lights may only shine downward and not shine at any angle directly into the fighting ring area that may blind the boxers or judges.

The promoter shall provide a ringside restrictive barrier between the first row of ringside seats and the event official's area that will restrict the crowd from confronting either the boxers or event officials and will ensure that the boxers remain free from obstructions or distractions. The ringside barrier must be a minimum of eight feet from the outside edge of the ring.

2. A bell or gong located at the ring no higher than the floor level of the ring. The bell or gong must produce a clear tone easily heard by the ~~contestants~~ boxers [;]

3. ~~Dressing Locker~~ rooms adequate in number and equipment to reasonably facilitate the boxer's activities before and after the contest. Separate ~~dressing locker~~ rooms shall be provided when both male and female boxers are scheduled to compete; Locker rooms shall have restroom facilities available.

4. A fully equipped ambulance with a currently trained ambulance crew at the site of any boxing event for the entire duration of the event and any additional personnel or equipment required by 15 USC §6304; ;

5. A notice to the nearest hospital and the persons in charge of its emergency room of the date, time, and location of the boxing event; ;

6. ~~Boxing gloves of at least 10 ounces for all contestants, except that during all championship bouts, boxers weighing under 147 pounds shall wear at least eight ounce gloves; and 7. Boxing gloves having the distal portion of the thumb the proper weight that are set by weight classification by 18VAC120-40-295. Boxing gloves must have laces to secure proper fit. Gloves must have an attached thumb to the body of the glove so as to minimize~~

~~the possibility of injury to the opponent's eye and shall, if not new, be whole.~~ Gloves must be clean and in sanitary condition , free of cuts, have good laces, with no displacement or lumping of the padding material. Gloves used in world title fights shall be new and taken from the package just prior to issuing to the boxers. Gloves shall be inspected by the event inspector or his designee before each contest and those found defective shall be replaced before the contest begins. In all championship bouts, the boxers shall be gloved in the ring. A solution of 10% household bleach and water shall be used for cleansing of all gloves prior to and after each bout.

7. A sealed OTC pregnancy test kit, approved by the Food and Drug Administration, for each female boxer that will be given to the event inspector or his designee.

8. A clear plastic water bottle, a bucket containing ice, surgeon's adhesive tape and surgical gauze for each boxer.

18VAC120-40-250. Promoter to provide copy of contract with boxer at weigh-in; penalty for noncompliance; contents of contract.

A. The promoter shall provide a copy of his contract with each boxer scheduled to compete in the event to the event inspector at the time of weigh-in ~~for the event.~~

B. Failure to provide a copy of the contract for a boxer at weigh-in shall result in the boxer's disqualification to compete in the event.

C. Each contract shall contain the name of the promoter, the name of the boxer, the amount of compensation to be paid to the boxer by the promoter [, the date, time and location of the event, weigh-in and prefight physical] and shall comply with the minimum provisions ~~promulgated~~ contained in the most current model contract developed by the Association of Boxing Commissions and contained in the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.), as amended.

18VAC120-40-260. Equipment to be provided by boxing seconds.

Each boxing second shall provide the following equipment for use at the event:

~~1. A clear plastic water bottle;~~

~~2. A bucket containing ice;~~

3. 1. A solution of a kind approved by the Association of Boxing Commissions to stop hemorrhaging;

4. Adhesive tape;

~~5. Gauze;~~

6. 2. Scissors; and

7. 3. One extra mouthpiece.

Regulations

18VAC120-40-270. Equipment to be provided by each boxer.

Each boxer shall provide the following equipment:

1. ~~Trunks~~ Boxing trunks for male boxers, and boxing trunks and tight upper body covering for female boxers;
2. ~~Foul-proof Approved groin protector (males) or foul-proof pelvic girdle for male boxers and foul-proof breast protector as a binder (females)~~ approved pelvic girdle and a padded sports bra for female boxers;
3. A mouth piece properly fitted to each boxer's mouth; and
4. Boxing shoes;
5. ~~Foot pads — kick boxers only;~~ and
6. ~~Shin pads — kick boxers only.~~

18VAC120-40-280. Contest approval; request for reconsideration; weight classifications.

A. ~~The event inspector assigned to an event department or its contractor~~ shall obtain information on each boxer from a boxer registry and examine that information, for records, experience, and consecutive losses. Boxers with 10 or more consecutive losses must obtain a special exception before being placed on the fight card. The results of the ~~ringside physician's examination, prefight physical~~ and any other pertinent information available [, including the boxing severity index.] will be used to determine, to the extent possible, that both ~~contestants~~ boxers are substantially equal in boxing skill and ability and are medically fit to compete. No contest shall take place without the approval of the ~~event inspector~~ department or its contractor and the ringside physician assigned to the event by the department or its contractor.

B. Each boxer must possess a current personal identification number as required by 15 USC §6305.

~~B. C.~~ No boxer shall participate in a boxing contest who has:

1. Been knocked out in the 60 days immediately preceding the date of the contest;
2. Been technically knocked out in the 30 days preceding the date of the contest;
3. Been a contestant in a boxing bout of more than six rounds during the 15 days preceding the date of the contest or in a boxing bout of six or fewer rounds during the seven days preceding the date of the contest;
4. Suffered a cerebral hemorrhage;
5. Suffered a serious head injury or other serious physical injury. The department or its contractor may require an additional, specific medical examination to determine the boxer's suitability; [~~or~~]

6. Been found to be blind in one eye or whose vision in one eye is so poor that a physician recommends the boxer not participate in ~~a boxing~~ the contest. A boxer who is totally unsighted (uncorrected vision worse than 20/400) in one or both eyes shall be prohibited from competing [~~; or~~

7. Been denied a license or approval to fight by another jurisdiction for medical reasons.]

~~C. D.~~ No boxer shall participate in a boxing contest while under a suspension from the boxing commission of another jurisdiction of the United States due to:

1. A recent knockout or series of consecutive losses;
2. An injury, requirement for a medical procedure, or physician denial of eligibility to ~~box~~ compete;
3. Failure of a test for drugs or controlled substances; or
4. The use of false aliases or falsifying, or attempting to falsify, official identification cards or documents.

~~D. E.~~ Any promoter or boxer may request a reconsideration by the director of the event inspector's decision by immediately providing in writing additional information or contradictory evidence concerning the boxer's skill, ability, or medical fitness.

~~E. F.~~ A boxer who is suspended by a boxing commission of another jurisdiction of the United States may be allowed to ~~box~~ compete if:

1. The boxer was suspended for a knockout, technical knockout, series of consecutive losses, an injury, a requirement of a medical procedure, or physician denial of certification and the time interval for knockouts and technical knockouts in subsection [~~B. C.~~] of this section has been met and further proof of sufficiently improved medical or physical condition has been furnished;
2. The boxer was suspended for the failure of a drug test or the use of false aliases or falsifying, or attempting to falsify, official identification cards or documents and that a suspension was not, or is no longer, merited by the facts;
3. The boxer was suspended for any reason other than those mentioned in subdivisions 1 and 2 of this subsection and the department or the department's contractor notifies the suspending commission in writing and consults with the designated official of the suspending commission prior to the grant of approval for such boxer to participate in a boxing contest; or
4. The boxer was suspended for any reason other than those mentioned in subdivisions 1 and 2 of this subsection and the boxer's appeal to the Association of Boxing Commissions results in a determination that the suspension was without sufficient grounds, was for an improper purpose, or was not related to the health and safety of the

boxer or the purposes of the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.).

F. ~~Each boxer shall compete only with a boxer within the same weight classification as specified in the following schedule:~~

<u>Mini Flyweight</u>	<u>up to 105 pounds</u>
<u>Light Flyweight</u>	<u>over 105 to 108 pounds</u>
<u>Flyweight</u>	<u>over 108 to 112 pounds</u>
<u>Junior Bantamweight</u>	<u>over 112 to 115 pounds</u>
<u>Bantamweight</u>	<u>over 115 to 118 pounds</u>
<u>Junior Featherweight</u>	<u>over 118 to 122 pounds</u>
<u>Featherweight</u>	<u>over 122 to 126 pounds</u>
<u>Junior Lightweight</u>	<u>over 126 to 130 pounds</u>
<u>Lightweight</u>	<u>over 130 to 135 pounds</u>
<u>Junior Welterweight</u>	<u>over 135 to 140 pounds</u>
<u>Welterweight</u>	<u>over 140 to 147 pounds</u>
<u>Junior Middleweight</u>	<u>over 147 to 154 pounds</u>
<u>Middleweight</u>	<u>over 154 to 160 pounds</u>
<u>Super Middleweight</u>	<u>over 160 to 168 pounds</u>
<u>Light Heavyweight</u>	<u>over 168 to 175 pounds</u>
<u>Cruiserweight</u>	<u>over 175 to 190 pounds</u>
<u>Heavyweight</u>	<u>over 190 pounds</u>

G. ~~No boxer may engage in a boxing contest without the approval of the department or the department's representative if the difference in weight between the contestants exceeds the allowance shown in the following schedule:~~

- ~~Up to 118 pounds, not more than 3 pounds~~
- ~~118 pounds—126 pounds, not more than 5 pounds~~
- ~~126 pounds—135 pounds, not more than 7 pounds~~
- ~~135 pounds—147 pounds, not more than 9 pounds~~
- ~~147 pounds—160 pounds, not more than 11 pounds~~
- ~~160 pounds—175 pounds, not more than 12 pounds~~
- ~~175 pounds—190 pounds, not more than 20 pounds~~
- ~~190 pounds and over, no limit.~~

18VAC120-40-290. Boxing event conduct standards.

A. Bandaging Wrapping of each boxer's hands shall not exceed ~~one roll~~ more than one continuous winding of surgeon's adhesive tape around the wrist, not over 1-1/2 inches wide, placed directly on the hand to protect the part of the hand near the wrist. The tape may cover the hand but may

~~not extend within three-fourths of an 3/4 inch of the knuckles when the hand is clenched to make a fist. Soft surgical bandage gauze, not over two inches wide, held in place by not more than six feet of surgeon's adhesive tape for each hand shall be used. Up to one 15-yard 10-yard roll of bandage surgical gauze [7] may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages gauze, not to cover the knuckles. Bandages Gauze shall be adjusted in the dressing locker room in the presence of the event inspector or his designee. Before putting on gloves the boxer shall present his wrapped hands for inspection by the event inspector or his designee.~~

B. Any boxer who has signed a contract to box on a promoter's program shall be subject to be called by the department to appear at any time to be weighed or to be examined by a physician designated by the department when the department has reason to believe the boxer may not be qualified or may not be medically sound to participate in the contest.

C. Each boxer who signs a contract to box on a promoter's program shall appear at a time and place designated by the department or its contractor to be weighed on department-approved scales in the presence of each other and a representative designated by the department. Boxers shall have all weights removed from their bodies before the weigh-in but may wear shorts in the case of males, and shorts and shirts in the case of females.

D. In accordance with 15 USC §6304, each boxer shall be examined immediately before the contest by a ringside physician assigned to the event ~~and who certifies in writing on a form provided by the department whether the boxer is physically fit to safely compete. The original health certificate will be submitted to the event inspector or his designee. In addition, each female boxer shall take a pregnancy test in the presence of a female inspector, using the pregnancy kit required by subdivision 7 of 18VAC120-40-240 or provide the ringside physician with a negative pregnancy test result taken not more than 24 hours prior to the event. The inspector will give the results to the physician and the results will be noted on the physical form. If the physician's certification fails to certify that the boxer is physically fit to safely compete, the boxer shall not participate in the contest unless pronounced medically able to compete by the ringside physician, and shall immediately be placed on suspension on the boxer registry. All boxers shall submit to a postfight physical if requested by the ringside physician or the department or its designee.~~

E. All boxing events shall be conducted in accordance with the rules set forth by the Association of Boxing Commissions. The department may use the Championship Rules adopted by the Association of Boxing Commissions in any championship fight.

Regulations

F. Discretionary use of petroleum jelly is permitted on the face, arms or any other part of the boxer's body. In the case of a cut, topical use of a solution approved by the Association of Boxing Commissions is permitted. All other solutions are prohibited.

G. Headgear is not permitted.

18VAC120-40-295. Weight classes and weigh-ins and prefight meeting.

A. Weight classes are as follows:

Weight Class	Weight in Lbs	Max Weight Spread	Glove sizes
Mini-Flyweight	105 & below	3 lbs	8 oz
Light-Flyweight	105.1 – 108	3 lbs	8 oz
Flyweight	108.1 – 112	3 lbs	8 oz
Junior Bantamweight	112.1 – 115	3 lbs	8 oz
Bantamweight	115.1 – 118	3 lbs	8 oz
Junior Featherweight	118.1 – 122	4 lbs	8 oz
Featherweight	122.1 – 126	4 lbs	8 oz
Junior Lightweight	126.1 – 130	4 lbs	8 oz
Lightweight	130.1 – 135	5 lbs	8 oz
Junior Welterweight	135.1 – 140	5 lbs	8 oz
Welterweight	140.1 – 147	7 lbs	8 oz
Super Welterweight	147.1 – 154	7 lbs	10 oz
Middleweight	154.1 – 160	7 lbs	10 oz
Super Middleweight	160.1 – 168	7 lbs	10 oz
Light-Heavyweight	168.1 – 175	7 lbs	10 oz
Cruiserweight	175.1 – 200	12 lbs	10 oz
Heavyweight	200.1 and up	No limit	10 oz

B. No boxer may engage in a contest without the approval of the department or its contractor if the difference in weight between the boxers exceeds the allowance shown in subsection A of this section.

C. If one of the two boxers in a contest is above or below the weights shown in subsection A of this section, both boxers shall wear the gloves of the higher weight.

D. Boxers shall be weighed within 24 hours prior to the scheduled event. Each boxer and second shall appear at a time and place designated by the promoter and approved by the department or its contractor to be weighed on scales approved by the department or its contractor in the presence of each other, the promoter or his representative and a designee of the department or its contractor. Boxers shall have all weight removed from their bodies before the weigh-in but may wear shorts in the case of males, and shorts and shirts in the case of females. Once weigh-ins commence, the scales shall not be moved until weigh-ins are complete.

E. When weigh-ins occur within 24 hours, but not less than 12 hours prior to the event's scheduled start time, the boxer shall not exceed the weight specified in his contract with the promoter. If a boxer exceeds the weight specified in the contract he shall not compete unless he:

1. Loses the weight exceeded in the contract at least 12 hours prior to the event's scheduled start time;
2. Loses all but two pounds of the weight exceeded in the contract at least 12 hours prior to the event's scheduled start time and loses the final two pounds at least six hours prior to the event's scheduled start time; or
3. Renegotiates the contract.

Boxers who weigh-in 24 hours prior to the scheduled event shall be required to re-weigh two hours prior to the event's scheduled start time and will not be permitted to exceed the weight specified in the contract by more than 10 pounds.

F. When weigh-ins occur less than 12 hours prior to an event's scheduled start time, the boxer shall not exceed the weight specified in the contract. No boxer shall be permitted to lose more than two pounds within 12 hours of a contest. If a boxer weighs more than two pounds over the weight specified in the contract, he shall not compete unless he:

1. Loses up to two pounds at least six hours prior to the event's scheduled start time; or
2. Renegotiates his contract.

G. The promoter is responsible for ensuring that all boxers and seconds are present at the prefight meeting. Any second who does not attend the prefight meeting will not be permitted in the corner of their boxer. All boxers will report to the event location and their locker rooms at the specified time on the night of the event. Once the boxer reports to the event facility and to the locker room he will be disqualified if

he leaves the locker room before time for the bout or leaves the facility before the end of the bout.

18VAC120-40-300. Access to boxer's ~~dress~~ing locker rooms.

On the day of a contest, only the following individuals are allowed in the ~~dress~~ing locker room of a boxer:

1. The boxer's licensed manager;
2. The boxer's licensed trainers, seconds, or [~~cutmen~~ cut men] ;
3. The promoter or the promoter's representatives;
4. Any representative of the department or its contractor in the conduct of his official duties; and
5. Any representative of a law-enforcement agency of competent jurisdiction while discharging his official duties.

18VAC120-40-310. Referee's instructions to ~~boxing~~ contestants boxers.

The referee shall, before starting a contest, ascertain from each boxer the name of his chief second, and shall hold the chief second responsible for the conduct of the assistant seconds during the progress of the contest. The referee shall call ~~contestants~~ boxers together before each bout for final instructions, at which time each ~~contestant~~ boxer shall be accompanied by his chief second only.

18VAC120-40-320. Number and conduct of seconds.

A. Before a contest begins, the chief second and other seconds shall be identified for the officials. The corner shall present the boxer, ready to compete, when the event inspector calls the boxers to the ring and shall present the boxer, ready to box, when the referee calls the boxers to the center of the ring for final instructions.

~~A. B.~~ No ~~contestant~~ boxer may have more than ~~four~~ three seconds, except that in a ~~contest for a~~ world title bout, the department or its contractor may authorize up to five seconds. Seconds must appear at the official weigh-in and prefight meeting at the time and place designated by the department or its contractor.

C. All seconds must keep their shoulders below the ring floor level during the bout. Seconds are prohibited from standing up or leaning on the edge of the ring, mat or floor or slapping the ring, mat or floor while the bout is in progress, or touching the ring ropes until the bell sounds to end the round. Seconds must keep coaching volume down while the bout is in progress and are prohibited from interfering with the officials in any physical or verbal way.

~~B. D.~~ Only one of the seconds may be inside the ring ropes between rounds and shall not enter the ring until the bell signals the end of the round. During the rest period, the second may coach his boxer; treat cuts, abrasions or swelling;

and provide water, ice, approved sport drinks, or other cooling-down techniques.

~~C. E.~~ Any excessive or undue spraying or throwing of water on any boxer by a second between rounds is prohibited. Seconds are responsible for wiping up any fluids in their corners between rounds.

~~D. F.~~ Seconds shall not enter the ring ~~until the bell signals the end of a round~~ to assist or move a boxer who has been knocked down or injured until instructed to do so by the ringside physician. Seconds shall leave the ring at the sound of the timekeeper's warning that 10 seconds remain before the start of the next round, removing all buckets, stools and other equipment promptly.

~~E. Seconds shall not use during any contest Monsol's solution, alcoholic beverages, stimulants, or other substances not approved by the department or its contractor.~~

G. Throwing in the towel is not permitted by any second. If a second enters the ring during the round, the boxer shall be disqualified by the referee. Only the referee can stop the bout.

18VAC120-40-330. ~~Duration—Length of contest and~~ duration of round.

No boxing contest shall be scheduled for less than four rounds or more than [~~12 rounds for males or~~] 10 rounds [for females] . Each round of boxing shall be three minutes in duration with a one-minute ~~lapse~~ rest period between rounds, except that bouts between female boxers shall consist of two-minute rounds with a one-minute ~~lapse~~ rest period between rounds. [The department may permit 12 rounds in male bouts involving a state, regional, national or world title championship, or elimination box off.]

18VAC120-40-340. ~~Counting—Determination of a~~ knockdown, counting by referee during knockdowns and knockouts.

A. It shall be ruled a knockdown when, as a result of a legal blow or series of legal blows, a boxer touches the floor with any part of the body other than his feet, or is being held up by the ropes, or is hanging on, through, or over the ropes without the ability to protect himself and cannot fall to the floor. A boxer who is knocked ~~from his feet by a blow from his opponent~~ down shall receive a minimum count of eight seconds and a maximum count of 10 seconds ~~from the referee~~ . The referee shall begin his count when the boxer is down or is helpless on the ropes and after the opponent is in a neutral corner. The referee may stop the counting if the opponent fails to go to the neutral corner, and resume the count where he left off when the opponent returns to the neutral corner. If the boxer rises before the count of 10 is reached and goes back down immediately without being struck by his opponent, the referee shall resume the count where he left off.

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B. A boxer who leaves the ring during a round for any reason shall have a count of 20 seconds to reenter the ring unassisted and cannot be touched while out of the ring by his second or others.

~~C. The referee shall administer a "mandatory eight" count to a boxer who is knocked down.~~

~~D. The referee shall rule as a knockout any count of 10 where the boxer is unable or unwilling to reenter the contest before the count of 10 or, in the case of a boxer who has left the ring for any reason, before the count of 20. The opponent of the boxer so counted shall win the contest.~~

18VAC120-40-342. Bout termination, knockout, technical knockout, medical suspensions.

A. A referee may terminate the count and the bout at any point when he determines that the safety of [~~the downed a~~] boxer is at risk. [~~The ringside physician may terminate the bout when, after examination of the boxer and consultation with the referee, he determines that the safety of the boxer is at risk.~~]

B. When a boxer loses by way of knockout, is unable to rise by the count of 10 or, in the case of a boxer who has left the ring for any reason, before the count of 20, the department or its designee shall record in the records the letters KO (loss by knockout). A boxer losing by way of a knockout shall be placed on medical suspension by the department on the boxer registry and shall not participate in any boxing activity for a minimum period of 60 days.

C. When a cut is produced by a legal punch and the fight is stopped because of that cut, the injured boxer shall lose by technical knockout and the department or its designee shall record in the records the letters TKO (loss by technical knockout).

D. Any boxer losing by way of TKO resulting from head blows shall be placed on medical suspension by the department on the boxer registry and shall not participate in any boxing activity for a minimum of 30 days. Longer medical suspension periods may be issued for a knockout or technical knockout upon the advice of the ringside physician. The ringside physician may also request a medical suspension any time he believes it to be in the best interest of the safety of the boxer.

18VAC120-40-350. Boxing fouls, duties of referee, and deduction of points.

A. Any of the following acts committed by a boxer during a boxing contest shall constitute a foul:

1. Hitting below the ~~belt~~ naval or behind the ear.
2. Hitting an opponent who is down or is getting up after being down.

3. Holding an opponent with one hand and hitting with the other.

4. Holding or deliberately maintaining a clinch.

5. Wrestling or kicking.

6. Striking an opponent who is helpless as a result of previous blows and so supported by the ropes that he does not fall after being instructed by the referee to a neutral corner.

7. Butting with the head or shoulder or using the knee.

8. Hitting with the open glove, the butt of the hand, the wrist or the elbow, and all backhand blows.

9. Purposely going down without being hit.

10. Striking deliberately at that part of the body over the kidneys.

11. ~~Deliberately using~~ Using the rabbit punch (punch thrown to the back of the head and neck areas).

12. Jabbing the opponent's eyes with the thumb of the glove.

13. Using abusive language in the ring.

14. Engaging in any unsportsmanlike conduct including, but not limited to, a trick or other action which causes injury to an opponent.

15. Hitting on the break.

16. Hitting after the bell has sounded signaling the end of the round.

17. Hitting an opponent whose head is between or outside of the ropes.

18. Pushing an opponent about the ring or into the ropes.

19. Intentionally spitting out the mouthpiece.

20. Biting or spitting.

21. Not following referee's instructions.

22. Stepping on opponent.

23. Crouching below opponent's belt.

24. Leaving neutral corner.

25. Corner second shouting.

B. Referees are responsible for enforcing the rules of the contest and shall not permit fouls or other unfair practices which may cause an injury to a boxer. Referees shall warn each boxer who commits a foul during a boxing contest.

C. Any boxer who commits any foul after being warned by the referee may have points deducted by the referee or may lose the contest by disqualification by the referee.

D. Boxers who commit fouls or any other infraction may be penalized by the referee through the deduction of points from his score. The number of points to be deducted shall be determined by the referee based on his determination of the severity of the foul and its adverse effect on the opponent and shall be reported to the judges and both contestants boxers as soon as practical. The points shall be deducted from the score of the round in which the fouls were committed.

E. The referee shall stop a contest when he determines that a foul has occurred and determine whether the fouled boxer is able to continue. The referee may order the contest suspended for a reasonable period of time, not to exceed five minutes, to allow the fouled boxer to recover if the referee determines the boxer's chance of winning has not been seriously jeopardized. The referee shall inform the event inspector or his designee of his determination that the foul was accidental.

F. The referee shall stop a contest when he determines that an injury resulting from an accidental foul is so severe as to adversely affect the fouled boxer's chances of winning. The contest shall be a draw if the accidental foul occurs during the first four rounds. The contest shall be determined by a tabulation of the scores of the completed rounds if the accidental foul occurs after the fourth round in a contest or more than four rounds.

G. The referee shall stop a contest when he determines that an injury resulting from an accidental foul has been aggravated by fair blows. The outcome of the contest shall be determined by scoring the completed rounds.

H. If a boxer commits an intentional foul in the ring and the foul causes an injury severe enough to terminate the bout immediately, the boxer causing the injury shall lose by disqualification. If an intentional foul causes an injury and the bout is allowed to continue, the referee will notify the event inspector and deduct two points from the boxer who caused the foul. Point deductions for intentional fouls are mandatory. If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured boxer will win by technical decision if he is ahead on the score cards or the bout will result in a technical draw if the injured boxer is behind or even on the score cards. If no action has occurred, the round should be scored as an even round. If the boxer injures himself while attempting to intentionally foul his opponent, the referee will not take any action in his favor, and the injury will be the same as one produced by a fair blow.

I. If the boxer conducts himself in an unsportsmanlike manner, the referee may stop the bout and disqualify the boxer.

J. If a boxer is injured by an accidental foul and the injury is severe enough for the referee to stop the bout immediately, the bout will result in a no decision if stopped before three completed rounds in bouts scheduled for four rounds. Rounds are complete when the bell rings signifying the end of the

round. If a bout is scheduled for more than four rounds, the bout will result in a no decision if stopped before four completed rounds.

K. If the boxer is injured by an accidental foul that causes an injury severe enough for the referee to stop the bout immediately, the bout will result in a technical decision awarded to the boxer who is ahead on the score cards if the bout is stopped after three completed rounds in bouts scheduled for four rounds. If a bout is scheduled for more than four rounds and four rounds are completed, the bout will result in a technical decision, awarded to the boxer who is ahead on the score cards at the time the bout is stopped.

L. If a boxer is hit with an accidental low blow, he must be able to rise by the count of 10 and to continue after a reasonable amount of time not to exceed five minutes or he will lose the bout.

M. Disqualification for fouls to the body may occur if the fouls are flagrant or continual. The referee may order a deduction of points for any illegal blow to the body and may, at his discretion, give a rest period of up to five minutes for the injured boxer to recover. The referee may ask the ringside physician to examine the boxer before granting the rest period. If the referee rules the foul accidental and the injured boxer is unable to continue after the five minute rest period, the rules governing accidental fouls shall apply.

18VAC120-40-360. Scoring of boxing contest, decisions, and announcement of decisions.

A. Each contest shall be scored by the judges [approved and] assigned by the department or its contractor. The referee will not score the contest. The scoring will be done on the 10 point must system. Judges will score each round based on clean punches (power versus quantity), effective aggressiveness, ring generalship, and defense. In a bout that is stopped in the middle of the round, the judges shall score all incomplete or partial rounds as if they were a complete round. Judges may deduct points for knockdowns only when they are called as such by the referee and for fouls when they are instructed to do so by the referee. Judges should avoid scoring a round even. At the end of each round, the score cards shall be presented to the event inspector or his designee who shall examine the score cards. The winner shall be the boxer who receives the highest score from the majority of the judges at the end of the contest. The contest is a draw if neither boxer scores so as to obtain a majority.

B. When the event inspector has examined the score cards and checked them for accuracy, he shall inform the ring announcer of the decision. ~~The announcer may inform the audience of the decision.~~

C. The department shall not change a decision rendered at the end of any boxing contest unless:

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1. It is determined that there has been wrongful or illegal collusion affecting the result of the contest;
2. An error is found in the compilation of the scorecards ~~which discloses an error which shows that~~ resulting in the decision favored favoring the wrong boxer; or
3. The department determines through investigation that there was a violation of this chapter which adversely impacted on the fairness of the contest or the decision.

18VAC120-40-370. Boxer conduct standards. (Repealed.)

~~A. The administration of or use of any alcohol, controlled substance, or stimulant in any part of the body, either before or during a match, to or by any boxer shall be grounds for disciplinary action.~~

~~B. A boxer shall submit to a urinalysis or chemical test before or after a contest if the department or its contractor directs him to do so. Failure to submit to medical testing shall be grounds for disciplinary action.~~

~~C. A boxer found to be under the influence of alcohol or any controlled substance shall be subject to disciplinary action.~~

18VAC120-40-380. Full contact karate (kick boxing) event conduct standards. (Repealed.)

~~The provisions of this chapter which apply to boxers shall also apply to full contact karate (kick boxing) with the following modifications:~~

~~1. Contests shall not exceed 12 two minute rounds with a one minute rest period between rounds.~~

~~2. Fouls may result in the deduction of one or more points based on the severity of the foul as determined by the referee. The referee shall base his decision as to the severity of the foul on the intent of the contestant committing the foul and the result of the foul on the fouled contestant. At the time of the foul, the referee shall indicate to the judges the number of points to be subtracted from each judge's ballot. Fouls include:~~

- ~~a. Head butting;~~
- ~~b. Striking with the elbow;~~
- ~~c. Striking to the groin;~~
- ~~d. Attacking with the knee;~~
- ~~e. Chopping to the back of the neck or head (rabbit punch);~~
- ~~f. Striking to the face with any part of the arm other than the gloved hand (as in the spinning back first attempt which lands with the forearm or elbow);~~
- ~~g. Kicking to the legs;~~
- ~~h. Punching or kicking a contestant when he is down (A contestant is knocked down when any part of his body,~~

~~other than his feet, touches the floor. If a contestant is on his way to the floor, his opponent may continue to attack until he has touched the floor with any part of his body other than his feet.);~~

~~i. Takedowns;~~

~~j. Intentionally pushing, shoving, or wrestling an opponent out of the ring with any part of the body;~~

~~k. Sweeping other than boot to boot;~~

~~l. Attacking on the break when both contestants have been ordered to take one step back by the referee;~~

~~m. Attacking after the bell has sounded to end the round;~~

~~n. Holding and hitting, such as holding with one hand, especially behind the neck, and hitting with the other hand;~~

~~o. Grabbing or holding onto an opponent's foot or leg, followed by a takedown;~~

~~p. Holding the ropes with one hand while kicking, punching, or defending with the other hand or with the legs;~~

~~q. Leg checking extending the leg to check an opponent's leg to prevent him from kicking;~~

~~r. Purposely going down without being hit, resulting in the referee automatically administering an 8 count;~~

~~s. Using abusive language in the ring;~~

~~t. Hitting or flicking with an open glove; and~~

~~u. Refusing to compete.~~

18VAC120-40-385. Rules for elimination boxing contest only.

This section governs elimination boxing contests only. To the extent any of the provisions of this section conflict with 18VAC120-40-230 through 18VAC120-40-410, the provisions of this section shall apply.

1. A boxer shall not be permitted to compete if he has a personal identification number as required by 15 USC §6305.

2. A bout shall consist of three one-minute rounds with a one-minute rest period between rounds.

3. The standing eight count will be used. The three knockdown in any round rule will be in effect. If a fighter is knocked down four times in the bout, it shall be ruled as a technical knockout. No boxer shall be saved by the bell.

4. No boxer shall compete in more than five bouts in two days and three bouts in one day and must have a minimum rest period of 60 minutes between bouts.

5. No boxer shall be permitted to participate in any contest if he has been knocked out or technically knocked out within 60 days immediately preceding the contest.

6. No boxer shall be permitted to participate in an event within 30 days of his last event.

7. No boxer taking prescribed medication of any type shall be permitted to participate in any contest without approval from the ringside physician at the time of the physical. No boxer shall be permitted to participate who is under the influence of an illegal substance or who has consumed any type of alcoholic beverage within 24 hours of the scheduled contest. After the physical, a boxer shall be permitted to drink water only prior to the contest.

8. All boxers shall be required to wear headgear and have fitted mouth pieces during the bout. Male boxers shall wear an approved groin protector and female boxers shall wear an approved pelvic girdle and have a minimum requirement of a padded sports bra. The promoter is responsible for providing boxing gloves, groin protectors for males and pelvic girdles for females that shall be clean, free from cuts and with no displacements or lumping of padded material. Headgear shall meet minimum requirements set by USA Boxing. Dipped style, sparring and thin padded training/sparring headgear will not be allowed.

9. No bouts with a weight difference of more than 20 pounds shall approved with the exception of heavyweights (190 pounds and above) where this is no limit to weight differential.

10. All gloves used shall be a minimum of 16 ounces.

18VAC120-40-390. Reporting the results of boxing contests.

Not later than two business days after the conclusion of a boxing match, the department or its contractor shall report the results of such boxing match and any related ineligibility to compete in boxing contests to each boxer registry as required by the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.), as amended.

18VAC120-40-400. ~~Wrestling event conduct standards. (Repealed.)~~

~~A. Wrestling exhibitions shall be conducted inside the ring ropes or inside of a securely barricaded area which positively prevents any direct contact between the wrestlers and the audience.~~

~~B. Each match shall be conducted under the supervision of a referee who shall be currently licensed as a wrestler and who shall be responsible for the safety of the spectators.~~

~~C. Each participant in each wrestling match shall be currently licensed as a wrestler.~~

~~D. In no case shall a wrestler intentionally cause a flow of blood or other bodily fluid from his body during the course of the exhibition.~~

~~E. In the event a visible flow of blood or other bodily fluid from any wrestler occurs during a contest, the referee shall immediately suspend the contest until medical treatment can be obtained. If the flow of blood or other bodily fluid cannot be stopped, the exhibition involving that wrestler shall not continue.~~

~~F. Neither referees nor promoters shall permit physically dangerous conduct or tactics by any wrestler.~~

~~G. Promoters shall maintain peace, order, and decency in the conduct of any wrestling exhibition.~~

~~H. Promoters must report to the department, within 24 hours of the completion of the event, the fees paid to the participants. Such report shall be on the form provided by the department or consist of copies of the contracts with the participants.~~

18VAC120-40-410. Promoter to allow access to event and event facilities.

A. The department may assign one or more representatives to each event to evaluate the contractor's performance or to assure compliance with Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. All event officials and representatives of the department assigned to an event, whether to monitor the contractor's performance or for any other authorized purpose, shall be granted immediate access by the promoter and the promoter's representatives to the licensed event and to any area or portion of the event facilities.

~~C. The promoter is responsible for security of the locker room area and shall not permit access except as specified in 18VAC120-40-300.~~

Part VIII

Event Licensing and Conduct Standards for Kick Boxing and any Similar Contests

18VAC120-40-411. Application for a license to conduct a kick boxing event or similar contest.

A. At least 30 days before the date of any kick boxing or similar contest in the Commonwealth, the licensed promoter desiring to conduct the event shall deliver an application for a license to conduct a kick boxing event or similar contest to the department or its contractor. The application shall be on forms provided by the department and shall include:

1. The card of the contest to be exhibited, including the name of each contestant and the number of rounds each is scheduled to compete. The promoter may modify the card at any time up to the day of the event by providing the required documents for the additions to and the notice of

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the deletions from the card that accompanied the application.

2. Verification of all scheduled contestants' fight records and location of the contestants last five fights.

3. The date, location, and time of the event for which a license is sought. [The department will consider the size and configuration of the location and may deny approval of the event license for safety reasons].

4. Evidence that all contestants scheduled to compete are covered by a health insurance policy that covers expenses for injuries incurred during the event and has a minimum coverage of [~~\$10,000~~ \$50,000 and an accidental death insurance benefit coverage in the minimum amount of \$50,000].

5. Evidence of a surety bond filed with the department or its contractor conditioned on the payment of gate fees and penalties imposed by Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and on the fulfillment of the contracts made with the contestants. The bond shall be in form and substance satisfactory to the department and in an amount equal to the sum of (i) the total gate fee required by this chapter and §54.1-833 A of the Code of Virginia if all seats were to be sold and (ii) the total amount due to all contestants for their appearance in the event. The bond shall not exceed \$100,000 and shall be executed by a surety authorized to do business in the Commonwealth.

6. Acknowledgment that the promoter will provide a copy of the contract between the promoter and each of the contestants licensed at weigh-in.

7. A copy of each contract by the promoter for the sale of the rights to distribute in any manner such event by any video, telephonic, or other communication method involving the control of electrons or other charge carriers.

8. A statement that the applicant has read and understands this chapter and will conduct the event in full compliance with same.

[9. Verification of status as a charity event as defined in this chapter.]

B. In no case shall the applicant for an event license announce or advertise, either directly or indirectly, the event to the public until the department has approved the application and issued the event license.

18 VAC 120-40-411.1. Equipment to be provided by promoters.

The promoter shall assure that each event shall have the following:

1. A fighting ring that will be in the shape of a square [, a hexagon,] or an octagon. A square ring shall not be less than 18 feet square inside the ropes and shall not exceed 20

feet square inside the ropes. [~~An~~ A hexagon or] octagon ring shall not be less than 18 feet (from any side to the opposite side) inside the ropes and shall not exceed 32 feet (from any side to the opposite side) inside the ropes.

The ring floor shall be padded with ensolite one inch thick or another similar closed-cell foam. The padded ring floor must extend at least 18 inches beyond the ropes and over the edge of the platform with a top covering of canvas or other similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used.

The ring platform shall not be more than five feet above the floor of the building and shall have suitable steps for use of the contestants in their corners and by the ringside physician in a neutral corner.

Ring posts shall be of metal, not more than three inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor. The ring posts shall be at least 18 inches away from the ring ropes.

There shall be four ring ropes, no more than one inch in diameter, evenly spaced, with the bottom ring rope not less than 18 inches above the ring floor and the top ring rope not more than 52 inches above the ring floor. The bottom ring rope must be padded with a padding of closed cell padding of not less than 1/2 inch (recommend all ring roped be padded of the same thickness and material). Ropes are to be connected with soft rope ties six feet apart. All ring ropes are to be tight and approved.

All corners must be padded with approved pads. All turnbuckles are to be covered with a protective padding.

A ring stool and bucket shall be provided for each contestant's corner. The ring shall have bright lights and light all four corners and middle of the ring equally. No lights shall shine into the face of the contestants or [~~ring~~ side ringside] judges, lights may only shine downward and not shine at any angle directly into the fighting ring area that may blind the contestants or judges.

The promoter shall provide a ringside restrictive barrier between the first row of ringside seats and the event official's area that will prevent the crowd from confronting either the contestants or event officials. The ringside barrier must be a minimum of eight feet from the outside edge of the ring.

2. A bell or gong located at the ring no higher than the floor level of the ring. The bell or gong must produce a clear tone easily heard by the contestants.

3. Locker rooms adequate in number and equipment to reasonably facilitate the contestant's activities before and after the contest. Separate locker rooms shall be provided when both male and female contestants are scheduled to

compete. Locker rooms shall have restroom facilities easily available.

4. A fully equipped ambulance with a currently trained ambulance crew at the site of any event for the entire duration of the event.

5. A notice to the nearest hospital and the persons in charge of its emergency room of the date, time and location of event.

6. Boxing gloves of the proper weight that are set by weight classification by rule. Boxing gloves must have laces to secure proper fit. Gloves must have an attached thumb to the body of the glove. Gloves must be clean, free of cuts, have good laces, with no displacement or lumping of padding material. Gloves used in world title fights shall be new and taken from the package just prior to issuing to the contestants. Gloves shall be inspected by the event inspector or his designee before each contest and those found defective shall be replaced before the contest.

7. A clear plastic water bottle, a bucket containing ice, surgeon's adhesive tape and surgical gauze for each contestant.

8. A sealed OTC pregnancy test kit, approved by the Food and Drug Administration, for each female boxer that will be given to the event inspector or his designee.

18VAC120-40-411.2. Promoter to provide copy of contract with contestants at weigh-in; penalty for noncompliance; contents of contract.

A. The promoter shall provide a copy of his contract with each contestant scheduled to compete in the event to the event inspector at the time of the weigh-in.

B. Failure to provide a copy of the contract for a contestant at the weigh-in shall result in the contestant's disqualification to compete in the event.

C. Each contract shall contain the name of the promoter, the name of the contestant, the amount of compensation to be paid to the contestant by the promoter [, the date, time and location of the event, weigh-in, and prefight physical] and shall comply with the minimum provisions contained in the most current model contract developed by the Association of Boxing Commissions and contained in the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.).

18VAC120-40-411.3. Equipment to be provided by seconds.

Each second shall provide the following equipment for use at the event:

1. A solution approved by the Association of Boxing Commissions to stop hemorrhaging;

2. Scissors; and

3. One extra mouthpiece.

18VAC120-40-411.4. Equipment to be provided by each contestant.

Each contestant shall provide the following equipment:

1. Trunks for male contestants (two pair shorts for mixed martial arts, one being tight fitting) or long pants if required and trunks with tight upper body covering for female contestants;

2. Approved groin protector for male contestants and approved pelvic girdle and a padded sports bra for female contestants;

3. A mouth piece properly fitted to each contestant's mouth;

4. Foot pads when required; and

5. Shin pads when required.

18VAC120-40-411.5. Contest approval; request for reconsideration.

A. The department or its contractor shall obtain information on each contestant from a [boxer] registry and examine that information, [~~the~~ for records, experience, and consecutive losses. Boxers with 10 or more consecutive losses must obtain a special exception before being placed on the fight card. The] results of the prefight physical, and any other pertinent information available [including the boxing severity index, will be used] to determine, to the extent possible, that both contestants are substantially equal in skills and ability and are medically fit to compete. No contest shall take place without the approval of the event inspector and the ringside physician assigned to the event by the department or its contractor.

B. No contestant shall participate in a contest who has:

1. Been knocked out in the 60 days immediately preceding the date of the contest;

2. Been technically knocked out in the 30 days preceding the date of the contest;

3. Been a contestant in a boxing, kick boxing or martial arts event of more than six rounds during the 15 days preceding the date of the contest or six or fewer rounds during the seven days preceding the date of the contest;

4. Suffered a cerebral hemorrhage;

5. Suffered a serious head injury or other serious physical injury. The department or its contractor may require an additional, specific medical examination to determine the contestant's suitability; [~~or~~]

6. Been found to be blind in one eye or whose vision in one eye is so poor that a physician recommends the contestant not participate in the contest. A boxer who is totally

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unsighted (uncorrected vision worse than 20/400) in one or both eyes shall be prohibited from competing [- ; or

7. Been denied a license or approval to fight by another jurisdiction for medical reasons.]

C. No contestant shall participant in an event while under suspension from a commission of another jurisdiction of the United States due to:

1. A recent knockout or series of consecutive losses;
2. An injury, requirement for a medical procedure, or physician denial of eligibility to compete;
3. Failure of a test for drugs or controlled substances; or
4. The use of false aliases or falsifying, or attempting to falsify, official identification cards or documents.

D. Any promoter or contestant may request reconsideration by the director of the event inspector's decision by immediately providing in writing additional information or contradictory evidence concerning the contestant's skill, ability, or medical fitness.

E. A contestant who is suspended by a commission of another jurisdiction of the United States may be allowed to compete if:

1. The contestant was suspended for a knockout, technical knockout, series of consecutive loses, an injury, a requirement of a medical procedure, or physician denial of certification and the time interval for knockouts and technical knockouts in subsection B of this section has been met and further proof of sufficiently improved, medical or physical condition has been furnished;
2. The contestant was suspended for the failure of a drug test or the use of false aliases or falsifying, or attempting to falsify, official identification cards or documents and that a suspension was not, or is no longer, merited by the facts; or
3. The contestant was suspended for any reason other than those mentioned in subdivisions 1 and 2 of this subsection and the department or the department's contractor notifies the suspending commission in writing and consults with the designated official of the suspending commission prior to the grant of approval for such contestant to participate in a contest.

18VAC120-40-411.6. Event conduct standards for kick boxing and other similar contests.

A. Bandaging of each contestant's hands shall not exceed one roll of surgeon's adhesive tape, not over 1-1/2 inches wide, placed directly on the hand to protect the part of the hand near the wrist. The tape may cover the hand but not extend within 3/4 inch of the knuckles when the hand is clenched to make a fist. Soft surgical bandage, not over two inches wide, held in place by not more than six feet of surgeon's adhesive tape for each hand shall be used. Up to

one 10-yard roll of bandage may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages, not to cover the knuckles. Bandages shall be adjusted in the locker room in the presence of the event inspector or his designee.

B. Any contestant who has signed a contract to compete on a promoter's program shall be subject to be called by the department to appear at any time to be weighed or to be examined by a physician designated by the department when the department has reason to believe the contestant may not be qualified or may not be medically sound to participate in the contest.

C. Each contestant who signs a contract to compete on a promoter's program shall appear at a time and place designated by the department or its contractor to be weighed on department-approved scales in the presence of each other and a representative designated by the department. Contestants shall have all weights removed from their bodies before the weigh-in but may wear shorts in the case of males, and shorts and shirts in the case of females.

D. Each contestant shall be examined immediately before the contest by a ringside physician assigned to the event who certifies in writing on a form provided by the department whether the contestant is physically fit to safely compete. The original health certificate will be submitted to the event inspector or his designee. In addition, each female contestant shall take a pregnancy test in the presence of a female inspector, using the pregnancy kit required by subdivision 8 of 18VAC120-40-411.1 or provide the ringside physician with a negative pregnancy test result taken not more than 24 hours prior to the event. The inspector will give the results to the physician and the results will be noted on the physical form. If the physician's certification fails to certify that the contestant is physically fit to safely compete, the contestant shall not participate in the contests. All contestants shall submit to a postfight physical if requested by the ringside physician or the department or its designee.

E. Discretionary use of petroleum jelly is permitted on the face, arms or any other part of the body. In the case of a cut, topical use of a solution approved by the Association of Boxing commissions is permitted. All other solutions are prohibited.

F. Headgear is not permitted.

18VAC120-40-411.7. Weight classes, weigh-ins and prefight meeting.

A. Weight classes are as follows:

<u>Weight Class</u>	<u>Weight in Lbs</u>	<u>Weight in KG</u>	<u>Max Weight Spread</u>	<u>Glove sizes</u>
<u>Atomweight</u>	<u>112 & below</u>	<u>50.9 & below</u>	<u>3 lbs – 1.36kg</u>	<u>8-10 oz</u>

<u>Flyweight</u>	<u>112.1 – 117</u>	<u>50.95 – 53.18</u>	<u>3 lbs – 1.36 kg</u>	<u>8-10 oz</u>
<u>Bantamweight</u>	<u>117.1 – 122</u>	<u>53.22 – 55.45</u>	<u>4 lbs – 1.8 kg</u>	<u>8-10 oz</u>
<u>Featherweight</u>	<u>122.1 – 127</u>	<u>55.50 – 57.72</u>	<u>4 lbs – 1.8 kg</u>	<u>8-10 oz</u>
<u>Lightweight</u>	<u>127.1 – 132</u>	<u>57.77 – 60</u>	<u>4 lbs – 1.8 kg</u>	<u>8-10 oz</u>
<u>Super Lightweight</u>	<u>132.1 – 137</u>	<u>60.04 – 62.27</u>	<u>5 lbs – 2.3 kg</u>	<u>8-10 oz</u>
<u>Light Welterweight</u>	<u>137.1 – 142</u>	<u>62.31 – 64.51</u>	<u>5 lbs – 2.3 kg</u>	<u>8-10 oz</u>
<u>Welterweight</u>	<u>142.1 – 147</u>	<u>64.59 – 66.8</u>	<u>7 lbs – 3.2 kg</u>	<u>8-10 oz</u>
<u>Super Welterweight</u>	<u>147.1 – 153</u>	<u>66.9 – 69.5</u>	<u>7 lbs – 3.2 kg</u>	<u>10 oz</u>
<u>Light Middleweight</u>	<u>153.1 – 159</u>	<u>69.6 – 72.3</u>	<u>7 lbs – 3.2 kg</u>	<u>10 oz</u>
<u>Middleweight</u>	<u>159.1 – 165</u>	<u>72.4 – 75</u>	<u>7 lbs – 3.2 kg</u>	<u>10 oz</u>
<u>Super Middleweight</u>	<u>165.1 – 172</u>	<u>75.1 – 78.2</u>	<u>7 lbs – 3.2 kg</u>	<u>10 oz</u>
<u>Light Heavyweight</u>	<u>172.1 – 179</u>	<u>78.3 – 81.4</u>	<u>7 lbs – 3.2 kg</u>	<u>10 oz</u>
<u>Light Cruiserweight</u>	<u>179.1 – 186</u>	<u>81.5 – 84.5</u>	<u>7 lbs – 3.2 kg</u>	<u>10 oz</u>
<u>Cruiserweight</u>	<u>186.1 – 195</u>	<u>84.6 – 88.6</u>	<u>12 lbs – 5.5 kg</u>	<u>10 oz</u>
<u>Heavyweight</u>	<u>195.1 – 215</u>	<u>88.7 – 97.7</u>	<u>20 lbs – 9.1 kg</u>	<u>10 oz</u>
<u>Super Heavyweight</u>	<u>215.1 and up</u>	<u>97.8 and up</u>	<u>No limit</u>	<u>10 oz</u>

B. No contestant may engage in a contest without the approval of the department or its contractor if the difference in weight between the contestants exceeds the allowance in subsection A of this section.

C. If one of the two boxers in a contest is above or below the weights shown in subsection A of this section, both boxers shall wear the gloves of the higher weight.

D. When weigh-ins occur within 24 hours, but not less than 12 hours prior to the event's scheduled start time, the boxer shall not exceed the weight specified in his contract with the promoter. If a boxer exceeds the weight specified in the contract he shall not compete unless he:

1. Loses the weight exceeded in the contract at least 12 hours prior to the event's scheduled start time;
2. Loses all but two pounds of the weight exceeded in the contract at least 12 hours prior to the event's scheduled start time and loses the final two pounds at least six hours prior to the event's scheduled start time; or
3. Renegotiates the contract.

Boxers who weigh-in 24 hours prior to the scheduled event shall be required to re-weigh two hours prior to the event's scheduled start time and will not be permitted to exceed the weight specified in the contract by more than 10 pounds.

E. When weigh-ins occur less than 12 hours prior to an event's scheduled start time, the boxer shall not exceed the weight specified in the contract. No boxer shall be permitted to lose more than two pounds within 12 hours of a contest. If a boxer weighs more than two pounds over the weight specified in the contract, he shall not compete unless he:

1. Loses up to two pounds at least six hours prior to the event's scheduled start time; or
2. Renegotiates his contract.

F. All contestants and their seconds must be present at the official weigh-in. The time, date and location of the weigh-in will be approved by the department. Contestants will be allowed to witness their opponent's weigh-in. All contestants and their seconds must be present at the prefight meeting. Any second who does not attend the prefight meeting will not be permitted in the corner of their contestant.

G. All contestants will report to the event location and their locker rooms at the specified time on the night of the event. Once the contestant reports to the event facility and to the locker room he will be disqualified if he leaves the locker room before time for the bout or leaves the facility before the end of the bout.

18VAC120-40-411.8. Access to contestant's locker rooms.

On the day of the contest, only the following individuals are allowed in the locker room of a contestant:

1. The contestant's licensed manager;
2. The contestant's licensed trainers, seconds, or [~~cutmen~~ cut men] ;
3. The promoter or the promoter's representatives;
4. Any representative of the department or its contractor in the conduct of his official duties; and

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5. Any representative of a law-enforcement agency of competent jurisdiction while discharging his official duties.

18VAC120-40-411.9. Referee's instructions to contestants.

The referee shall, before starting the contest, ascertain from each contestant the name of his chief second, and shall hold the chief second responsible for the conduct of the assistant seconds during the progress of the contest. The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by his chief second only.

18VAC120-40-411.10. Number and conduct of seconds.

A. No contestant shall have more than three seconds.

B. All seconds must keep their shoulders below the ring floor level during the bout. Seconds are prohibited from standing up or leaning on the edge of the ring, mat or floor or slapping the ring, mat or floor while the bout is in progress, or touching the ring ropes until the bell sounds to end the round. Seconds must keep coaching volume down while the bout is in progress and are prohibited from negatively interfering with the officials in any physical or verbal way.

C. Only one second may be inside of the ring ropes between rounds.

D. Any excessive or undue spraying or throwing of water on any contestant by a second between rounds is prohibited. Seconds are responsible for wiping up any fluids in their corners between rounds.

E. Seconds shall not enter the ring until the bell signals the end of the round. Seconds shall leave the ring at the sound of the timekeeper's warning that 10 seconds remain before the start of the next round, removing all buckets, stools and other equipment promptly.

F. Seconds shall not use Monsol's solution, alcoholic beverages, stimulants, or other substances not approved by the department or its contractor during any contest.

G. Throwing in the towel is not permitted by any second. If a second enters the ring during the round, the contestant shall be disqualified by the referee. The referee is the only person who can stop the bout.

18VAC120-40-411.11. Length of contest and duration of round.

In events where only kicks above the waist are allowed, the rounds shall be two minutes in length with a one-minute rest period between the rounds. In all other events the rounds shall be three minutes in length with a one-minute rest period between rounds. In mixed martial arts events, the rounds shall be five minutes in length with a one-minute rest period between rounds.

18VAC120-40-411.12. Counting by referee during knockdowns and knockouts, determination of a knockdown.

A. A contestant who is knocked from his feet by a blow (leg sweeps and tripping are not considered blows) from his opponent may receive a count of 10 seconds from the referee. The count shall begin when the contestant is down or helpless on the ropes and after the opponent is in a neutral corner. If the contestant is unable or unwilling to reenter the contest before the count of 10, the referee shall rule a knockout and the contestant's opponent shall win the contest.

B. The referee may, at his discretion, administer an eight count to a contestant who has been stunned, but who remains standing. The referee will direct the contestant's opponent to a neutral corner, then begin the count, examining the stunned contestant during the count. If, after completing the standing eight count, the referee determines the contestant is able to continue, the bout shall resume. If the referee determines the contestant is not able to continue, the referee will stop the contest and declare the contestant's opponent the winner by technical knockout.

C. The referee shall administer a mandatory eight count to a contestant who is knocked down.

D. A contestant who leaves the ring during a round for any reason shall have a count of up to 20 seconds to reenter the ring unassisted and cannot be touched while out of the ring by his second or others. If the contestant does not reenter the ring before the count of 20, the contestant's opponent shall win the contest.

18VAC120-40-411.13. Fouls, duties of the referee, and deduction of points.

A. The following are considered fouls:

1. Head butts.
2. Punches to the back of the head.
3. Striking to the spine area.
4. Slapping (striking with the lace side of the glove).
5. Spitting.
6. Biting.
7. Holding the opponent's head or arm and hitting, unless permitted by this chapter.
8. Knee strikes unless permitted by this chapter.
9. Strikes to the knees.
10. Elbow and forearm strikes unless permitted by this chapter.
11. Palm heel strikes.
12. Joint attacks.

13. Take downs, throwing or grappling unless permitted by this chapter.

14. Clubbing.

15. Strikes to the groin area.

16. Spinning sweeps (boot to boot sweeps are allowed as long as the user does not spin).

17. Karate chopping style strikes.

18. Striking the opponent while he has slipped or fallen to one knee or more.

19. Using abusive language.

20. Attacking on the break.

21. Striking after the bell that had indicated the end of the round.

22. Pushing or shoving unless permitted by this chapter.

23. Grabbing or holding onto an opponents leg, foot, or any other part of the body unless permitted by this chapter.

24. Spinning forearm or elbow. A spinning backhand is allowed. It must strike with the legal striking area of the glove. This portion is limited to the tapeline at the wrist to the end of the glove. It does not include either side of the glove or wrist.

B. Referees are responsible for enforcing the rules of the contest and shall not permit fouls or other unfair practices that may cause an injury to a contestant. Referees shall warn contestants who commit fouls during the contest.

C. If a contestant commits a foul in the ring, the referee shall have the discretion to determine the following:

1. Give the contestant who has fouled a warning.

2. Deduct one to three points from the contestant who committed the foul. The number of points to be deducted shall be determined by the referee based on his determination of the severity of the foul and its adverse effect on the opponent and shall be reported to the judges and both contestants as soon as practical. The points shall be deducted from the score of the round in which the fouls were committed.

3. Disqualify the contestant who committed the foul.

D. Any contestant who commits a foul after being warned by the referee may have points deducted by the referee or may lose the contest by disqualification by the referee.

E. The referee shall stop the contest when he determines that a foul has occurred and determine whether the fouled contestant is able to continue. The referee may order the contest suspended for a reasonable period of time to allow the fouled contestant to recover if the referee determines the

contestant's chance of winning has not been seriously jeopardized.

F. The referee shall inform the event inspector or his designee of any accidental foul. The referee shall stop a contest when it is determined that an injury resulting from an accidental foul is so severe as to adversely affect the fouled contestant's chances of winning. Except as provided in subsection H of this section, the contest shall be a draw if the accidental foul occurs during the first four rounds of a bout scheduled for more than four rounds or before the half-way point of a bout scheduled for four rounds or less. The contest shall be determined by a tabulation of the scores of the completed rounds if after the fourth round of a bout scheduled for more than four rounds or after the middle of a bout scheduled for four rounds or less.

G. The referee shall stop a contest when it is determined that an injury resulting from an accidental foul has been aggravated by fair blows. The outcome of the contest shall be determined by scoring the completed rounds.

H. If the contestant who committed the foul knocks out or causes injury to his opponent and the opponent is unable to continue the bout, the referee will stop the bout. The judges' score cards will be totaled and the decision of the bout will be announced. If the foul is committed in the first round and the fouled contestant cannot continue, the contestant who fouled will be automatically disqualified.

I. If a contestant is injured from a foul and the bout continues but is later stopped in any round after the first round because of additional injury to the fouled area, the judges' score cards will be totaled. If the contestant who committed the foul is ahead on the score cards the bout will end in a technical draw. If the contestant who was fouled is ahead, he will be awarded a technical win.

J. If a contestant becomes injured by something other than a foul or legal strike and the injury occurs in the first round, the bout shall be stopped and declared a no contest. If the injury occurs in the second round or beyond the judges will be asked to score the portion of the round. All judges score cards will be collected and tallied. If the injured contestant is ahead on the score cards he will be awarded a technical draw. If the noninjured contestant is ahead on the score cards he will be awarded a technical knockout (TKO).

18VAC120-40-411.14. Scoring of contest, decisions and announcements of decisions.

A. Each contest shall be scored by the judges assigned by the department or its contractor. At the end of each round, the score and the score cards shall be presented to the event inspector or his designee who shall examine the score cards. At the end of the contest, the winner shall be the contestant who receives the highest score of the majority of the judges except as provided in 18VAC120-40-411.13. The contest is a draw if neither contestant scores so as to obtain a majority.

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B. When the event inspector has examined the score cards and checked them for accuracy, he will inform the ring announcer of the decision.

C. The department shall not change a decision rendered at the end of any contest unless:

1. It is determined that there has been wrongful or illegal collusion affecting the results of the contest;

2. An error is found in the compilation of the score cards that shows that the decision favored the wrong contestant; or

3. The department determines through investigation there was a violation of this chapter that adversely impacted on the fairness of the contest or decision.

18VAC120-40-411.15. Promoter to allow access to event and facilities.

A. The department may assign one or more representatives to each event to evaluate the contractor's performance or to assure compliance with Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. All event officials and representatives of the department assigned to an event, whether to monitor the contractor's performance or for any other authorized purpose, shall be granted immediate access by the promoter and the promoter's representatives to the licensed event and to any area or portion of the event facilities.

C. The promoter is responsible for security of the locker room area and shall not permit access except as specified in 18VAC120-40-411.8.

18VAC120-40-411.16. Full contact rules.

A. All legal kicks and punches must be above the waist of each contestant.

B. Leg sweeps, boot to boot, to the inside and outside of the opponent's foot (not above the ankle) are permitted.

C. Foot pads are required and are to be supplied by each contestant. Foot pads must be secured to the foot with elastic strap and medical athletic tape and must cover both toes and heel. Laces must not be exposed.

D. Shin pads must be made of a soft material (dipped foam or cotton) and secured to the shin with elastic straps and medical athletic tape.

18VAC120-40-411.17. International (low kick) rules.

A. Along with legal kicks and punches above the waist, contestants may also kick to the legs, but not to the knee.

B. Leg sweeps, boot to boot, to the inside and outside of the contestant's foot (not above the ankle) are permitted.

C. Kicks may be made with the shin or foot.

D. Kicks to the inside and outside of the contestant's legs are permitted.

E. Direct sidekicks to the legs are not permitted.

F. Foot pads are not permitted. Shin pads may be worn but are not mandatory. If used, shin pads must be made of a soft material (dipped foam or cotton) and must be secured to the shin with elastic straps and medical athletic tape.

18VAC120-40-411.18. Muay Thai (Thai boxing) rules.

A. Along with legal kicks and punches above the waist, contestants may use legal kicks to the legs (not the knees) and elbows to legal target areas along with legal throws and take downs.

B. Use of knees and elbows is restricted to legal target areas below the neck. Use of knees and elbows to the head are permitted if prior approval by the department or its contractor is obtained.

C. Kneeing is permitted if one contestant is active within the clinch.

D. Kicks may be made with the shin or foot.

E. Kicks to the inside and outside of the fighter's leg are permitted.

F. Direct sidekicks to the legs are not permitted.

G. Contestants are permitted to catch their opponent's leg and take up to two steps. Contestants may strike anytime during the two steps, but must release the leg when they strike or by the end of the two steps.

H. Foot pads and shin pads are not permitted.

18VAC120-40-411.19. San Shou (Sanda) rules.

A. Along with legal kicks and punches above the waist, contestants may use legal kicks to the legs (not the knees) and elbows to legal target area. Use of knees and elbows is restricted to legal target areas below the neck. Use of knees and elbows to the head is permitted if prior approval by the department or its contractor is obtained.

B. Leg sweeps, boot to boot, to the inside and outside of the contestant's foot (not above the ankle) are permitted.

C. Kicks may be made with the shin or foot.

D. Kicks to the inside and outside of the contestant's leg are permitted.

E. Direct sidekicks to the legs are not permitted.

F. Contestants are permitted to catch their opponent's leg and take up to two steps. Contestants may strike anytime during the two steps, but must release the leg when they strike or by the end of the two steps.

G. Kneeing is permitted if one contestant is active within the clinch.

H. Clinching without kneeing is permitted for five seconds to execute a throw, sweep or takedown.

I. All types of Judo and wrestling throws are permitted, except spiking one's opponent directly on the head.

J. Foot pads and shin pads are not permitted.

K. Bouts contested on a platform without ropes must be approved by the department or its contractor 30 days prior to the event.

L. Contests shall be scored as follows:

1. Two areas will be scored, stand up and takedowns. Both are scored by the use of a clicker counter by each judge.

a. Stand up – Each judge will award a contestant one point for every effective strike delivered, with the exception of kicks that are caught and effective counter or throw or sweep delivered.

b. Takedown – After each throw, takedown or sweep, the referee will stop the action and determine if points are to be awarded. The referee will indicate points awarded by pointing to the contestant with one hand and raising his other hand indicating the number of points to be awarded. The referee will also announce the number of points. Each judge will record the number of points, by clicking the appropriate number on their clickers.

2. Referee awarded points.

a. Zero points are awarded if:

(1) A throw is attempted, but the other contestant pulls the thrower down with him and neither can show control;

(2) One contestant uses a falling technique to attack unsuccessfully; or

(3) One contestant uses a flying offensive technique with a deliberately falling technique, the latter one will not score.

b. One point is awarded if the contestant being thrown uses a throw "counter technique" and reverses the beginning thrower in regards to position of control or command. The contestant who ends up in the controlling or commanding position within a count of one after both contestants hit the floor shall receive the one point. If both contestants end up side to side no points shall be awarded.

c. Two points are awarded:

(1) For any knockdown from a strike (punch or kick) if the technique is clean and the standing contestant does not touch the ring floor and the fallen contestant is not given a standing eight count and rises off the mat quickly after the knockdown;

(2) For any basic throw that is not high altitude or of extreme skill or difficulty and the thrower remains standing; or

(3) If the contestant is forced to fall by the opponent's techniques, including the opponent deliberately falling while dodging defensively.

d. Three points are awarded:

(1) For any high altitude or explosive or extremely difficult throw;

(2) For any knockdown from a strike or any technique that requires the referee to give the contestant a standing eight count; or

(3) If the opponent is knocked down by a dropping sweep, which causes the opponent to come off his feet and land on his back (the sweepers hands may touch the floor).

3. Judges scoring. At the end of each round, each judge will write the total number of points for each contestant on the scorecard. At the end of each round, the event inspector or his designee will award the winning contestant one point and the losing contestant zero points for that round. At the end of the bout, unless the bout was stopped prior to the end of the scheduled rounds by knockout, technical knockout, or disqualification, the contestant with the most rounds won will be declared the winner. If the bout ends in a decision, the winner is the contestant who wins the most rounds.

18VAC120-40-411.20. Mixed martial arts rules.

A. The fighting ring shall be in the shape of a square or an octagon. A square ring shall not be less than 18 feet square within the ropes and shall not exceed 20 feet square inside the ropes. An octagon ring shall not be less than 18 feet (from any side to the opposite side) inside the ropes and shall not exceed 32 feet (from any side to the opposite side) inside the ropes. It shall be canvas and padded in a manner approved by the department or its contractor. The fighting area shall not be more than four feet from the floor and shall have suitable steps or a ramp for use by the contestants. It may be enclosed by a fence made of material that will not permit a contestant to fall out or break through it onto the floor or in spectator area, including, but not limited to, vinyl coated chain link fencing. The fence shall provide two separate entries into the ring. All metal parts shall be covered and padded in a manner approved by the department or its contractor and shall not be abrasive to the contestants. Ring stools shall be of the type approved by the department or its contractor [~~contestant~~].

B. All contestants are required to wear a mouthpiece during competition. The mouthpiece shall be subject to examination and approval by the ringside physician. The round cannot begin without the mouthpiece in place. If the mouthpiece becomes involuntarily dislodged during competition, the

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referee shall call time and clean and reinsert the mouthpiece at the first opportune moment, without interfering with the immediate action.

C. Male contestants shall wear a groin protector of a type approved by the department or its contractor. Female contestants shall wear a chest protector during competition, of a type approved by the department or its contractor.

D. Gloves shall be new for all main events and in good condition or they must be replaced. All contestants shall wear either four, five, or six ounce gloves that are supplied by the promoter and approved by the department or contractor. Contestants may not supply their own gloves.

E. Each contestant shall wear two pair of shorts with the top pair being either mixed martial art shorts, biking shorts, or kick boxing shorts. The second pair shall be worn underneath. Gi's or shirts and shoes are prohibited during competition.

F. All contestants shall be cleanly shaven immediately prior to competition, except that a contestant may wear a closely cropped mustache. Hair shall be trimmed or tied back in such a manner as not to interfere with the vision of either contestant or cover any part of a contestant's face.

G. Each nonchampionship contest shall consist of three five-minute rounds with a one-minute rest period between rounds. Each championship contest shall consist of five five-minute rounds with a one-minute rest period between rounds.

H. The referee and ringside physician are the sole arbiters of a bout and are the only individuals authorized to enter the ring area at any time during competition or to stop a contest.

I. All bouts will be evaluated and scored by three judges. The 10 point must system will be the standard system of scoring a bout. Judges will evaluate mixed martial arts techniques, such as effective striking, effective grappling, control of the fighting area, and effective aggressiveness and defense. Scores will be weighted in the following order:

1. Effective striking, judged by determining the total number of legal heavy strikes landed by a contestant.

2. Effective grappling, judged by considering the amount of successful executions of a legal takedown or reversals. Factors considered will be take downs from standing position to mount position, passing the guard to mount position, and bottom position contestants using active, threatening guard.

3. Control of the fighting area, judged by determining who is dictating the pace and location and position of the bout. Factors considered will be countering a grappler's attempt at takedown by remaining standing and legally striking, taking down an opponent to force a ground fight, creating threatening submission attempts, passing the guard to achieve mount, and creating striking opportunities.

4. Effective aggressiveness and defense, judged by moving forward and landing a legal strike and avoiding being struck, taken down or reversed while countering with offensive attacks.

J. The following objective scoring criteria shall be utilized by the judges by the judges when scoring a round.

1. A round is to be scored as a 10-10 round when both contestants appear to be fighting evenly and neither contestant shows clear dominance in a round.

2. A round is to be scored as a 10-9 round when a contestant winning by a close margin lands the greater number of effective legal strikes, grappling and other maneuvers.

3. A round is to be scored as a 10-8 round when a contestant overwhelmingly dominates by striking or grappling in a round.

4. A round is to be scored as a 10-7 round when a contestant totally dominates by striking or grappling in a round.

K. Judges shall use a sliding scale and recognize the length of the time the contestants are either standing or on the ground as follows.

1. If the contestant spent a majority of a round on the canvas, the effective grappling is weighed first and effective striking second.

2. If the contestant spent a majority of a round standing, the effective striking is weighed first and effective grappling is second.

3. If a round ends with relatively even amount of standing and canvas fighting, striking and grappling are weighed equally.

L. The referee shall issue a single warning for the following infractions:

1. Holding or grabbing the fence or ropes;

2. Holding an opponent's shorts or gloves; or

3. The presence of more than one second on the fighting area perimeter.

If the prohibited conduct persists after a single warning, the infraction may result in a deduction of points or disqualification.

M. The referee shall deduct points for the following fouls:

1. Butting with the head;

2. Eye gouging of any kind;

3. Biting or spitting at an opponent;

4. Hair pulling;

5. Fish hooking;
6. Groin attacks of any kind;
7. Intentionally placing a finger in any opponent's orifice;
8. Downward pointing of elbows strikes;
9. Small joint manipulation;
10. Strikes to the spine or back of the head;
11. Heel kick to the kidneys;
12. Throat strikes of any kind;
13. Clawing, pinching, twisting the flesh or grabbing the clavicle;
14. Kicking the head of a grounded contestant;
15. Kneeing the head of a grounded contestant;
16. Stomping of a grounded contestant;
17. Use of abusive language in the ring;
18. Any unsportsmanlike conduct that causes an injury to the opponent;
19. Attacking an opponent on or during the break;
20. Attacking an opponent who is under the referee's care at that time;
21. Timidity (avoiding contact, or consistent dropping of the mouthpiece, or faking an injury);
22. Interference from a contestant's second or corner person;
23. Throwing an opponent out of the ring;
24. Flagrant disregard of the referee's instructions; or
25. Spiking an opponent to the canvas on his head or neck.

If a foul is committed, the referee shall call time, check the fouled contestant's condition and safety, assess the foul to the offending contestant, deduct points, and notify each corner's seconds, judges and the event inspector or his designee. Disqualification will occur after any combination of three fouls or after the referee determines that a foul was intentional and flagrant. Fouls will result in a point being deducted by the event inspector or designated scorekeeper from the offending contestant's score. Only the referee can assess a foul. If the referee does not call the foul, judges shall not make that assessment on their own and cannot factor such into their scoring calculations. A fouled contestant has five minutes to recuperate.

If a bottom contestant commits a foul, but the top contestant is not injured and he maintains his position, the match shall continue, so as not to jeopardize the top contestant's superior position at the time. The referee shall verbally notify the bottom contestant of the foul. When the round is over, the

referee shall assess the foul and notify both corner's seconds, the judges and the event official or his designee. The referee may terminate a bout based on the severity of a foul.

N. If an injury sustained during competition as a result of a legal maneuver is severe enough to terminate a bout, the injured contestant loses by technical knockout. If an injury sustained during competition is a result of an intentional foul severe enough to terminate a bout, the contestant causing the injury loses by disqualification. If an injury is sustained during competition as a result of an intentional foul and the bout is allowed to continue, the referee shall deduct two points from the offending contestant and shall notify the event inspector or his designee. If an injury sustained during the competition as a result of an intentional foul causes the injured contestant to be unable to continue at a subsequent point in the contest, the injured contestant shall win by technical decision, if he is ahead on the scorecards. [~~H~~ If] the injured contestant is even or behind on the scorecards at the time the competition is stopped, the outcome of the bout shall be declared a technical draw.

If a contestant injures himself while attempting to foul the opponent, the referee shall not take any action in his favor, and the injury shall be treated in the same manner as an injury produced by a fair blow.

If an injury sustained during a bout as a result of an accidental foul is severe enough for the referee to stop the bout immediately, the bout shall result in a no contest if stopped before two rounds have been completed in a three round bout or before three rounds have been completed in a five round bout. If an injury sustained during a bout as a result of an accidental foul is severe enough for the referee to stop the bout immediately, the bout shall result in a technical decision awarded to the contestant who is ahead on the score cards at the time the bout is stopped only when the bout is stopped after two rounds of a three round bout or three rounds of a five round bout.

O. There will be no scoring of an incomplete round. However, if the referee penalizes either contestant, then the appropriate points shall be deducted when the event inspector or his representative calculates the final score.

P. Bouts may end in the following ways:

1. Submission by tap out – Contestant physically uses his hand to indicate that he no longer wishes to continue.
2. Verbal tap out – Contestant verbally announces to the referee that he does not wish to continue.
3. Technical knockout – Referee or ringside physician stops the bout when an injury as a result of a legal maneuver is severe enough to terminate a bout.
4. Knockout – Contestant fails to rise from the canvas before a count of 10.

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5. Draws – Unanimous when all three judges score the bout a draw. Majority when two of the judges score the contest a draw. Split when all the judges score the bout differently and the score total results in a draw.

6. Disqualification – An injury sustained during the competition as result of an intentional [~~fouls~~ foul] is severe enough to terminate the contest.

7. Forfeit – A contestant fails to begin competition or prematurely ends the contest for reasons other than injury.

8. Technical draw – An injury sustained during the competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the score cards at the time of the stoppage.

9. Technical decision – The bout is prematurely stopped due to injury and a contestant is leading on the score cards.

10. No contest – When a contest is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision by the score cards.

Q. Weight classes are as follows:

<u>Weight Class</u>	<u>Weight in Pounds</u>	<u>Max weight difference</u>
<u>Flyweight</u>	<u>125.9 and under</u>	<u>5 lbs</u>
<u>Bantamweight</u>	<u>126 – 134.9</u>	<u>5 lbs</u>
<u>Featherweight</u>	<u>135 – 144.9</u>	<u>5 lbs</u>
<u>Lightweight</u>	<u>145 – 154.9</u>	<u>5 lbs</u>
<u>Welterweight</u>	<u>155 – 169.9</u>	<u>12 lbs</u>
<u>Middleweight</u>	<u>170 – 184.9</u>	<u>12 lbs</u>
<u>Light Heavyweight</u>	<u>185 – 204.9</u>	<u>12 lbs</u>
<u>Heavyweight</u>	<u>204 – 264.9</u>	<u>20 lbs</u>
<u>Super Heavyweight</u>	<u>265 and over</u>	<u>No limit</u>

No contestant may engage in a contest without the approval of the department or the department's representative if the difference in weight between the contestants exceeds the allowance shown on the above schedule.

18VAC120-40-411.21. Rules for other contests.

Rules for aikido, karate, judo, tae kwon do or similar contests shall be the mixed martial arts rules set forth in 18VAC120-40-411.20 or other rules submitted with the event application, approved by the department, and agreed to by all licensees participating in the event.

Part IX

Event Licensing and Conduct Standards for Wrestling

18VAC120-40-415. Application for a license to conduct a wrestling event.

A. At least 30 days before the date of any wrestling event in the Commonwealth, the licensed promoter desiring to conduct the event shall deliver an application for a license to conduct a wrestling event to the department or its contractor. The application shall be on forms provided by the department and shall include:

1. The card of the wrestling show to be exhibited, including the name of each participant. The promoter may modify the card at any time up to the day of the event by providing the required documents for the additions to and the notice of the deletions from the card that accompanied the application;

2. A certification by the promoter that all participants are properly trained and competent to perform within the ring and ring area;

3. The date, location, and time of the event for which a license is sought [. The department will consider the size and configuration of the location and may deny approval of the event license for safety reasons];

4. A statement certifying that all participants scheduled to compete are covered by a health insurance policy that covers medical expenses for injuries incurred during the wrestling event. [A waiver of liability will be accepted in lieu of a health insurance policy.]

5. Evidence of a surety bond filed with the department or its contractor conditioned on the payment of gate fees and penalties imposed by Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and on the fulfillment of the contracts made with the participants. The bond shall be in form and substance satisfactory to the department and in an amount equal to the sum of (i) the total gate fee required by this chapter and §54.1-833 A of the Code of Virginia if all seats were to be sold and (ii) the total amount due to all participants for their appearance in the event. The bond shall not exceed \$100,000 and shall be executed by a surety authorized to do business in the Commonwealth;

6. Acknowledgment that the promoter will provide a copy of the contract between the promoter and each of the participants to the department or its contractor upon request;

7. A copy of each contract by the promoter for the sale of the rights to distribute in any manner such event by any video, telephonic, or other communication method involving the control of electrons or other charge carriers; [and]

8. A statement that the applicant has read and understands this chapter and will conduct the event in full compliance with same [; and

9. Verification of status as a charity event as defined in this chapter.]

B. In no case shall the applicant for an event license announce or advertise, either directly or indirectly, the event to the public until the department has approved the application and issued the event license.

18VAC120-40-415.1. Equipment to be provided by wrestling promoters.

The promoter shall assure that each event shall have the following:

1. A fighting ring that will be in the shape of a square [, a hexagon,] or an octagon. A square ring shall not be less than [~~18~~ 16] feet square within the ropes and shall not exceed 20 feet square inside the ropes. [~~An~~ A hexagon or] octagon ring shall not be less than [~~18~~ 16] feet (from any side to the opposite side) inside the ropes and shall not exceed 32 feet (from any side to the opposite side) inside the ropes. The ring floor shall be padded with ensolite, one inch thick, or another similar closed-cell foam. The padded ring floor must extend at least 18 inches beyond the ropes and over the edge of the platform with a top covering of canvas or other similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used. The ring platform shall not be more than five feet above the floor of the building and shall have suitable steps for use of the contestants in their corners. Ring posts shall be of metal, not more than three inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor. The ring posts shall be at least 18 inches away from the ring ropes. There shall be three or four ring ropes, no more than one inch in diameter, evenly spaced, with the bottom ring rope not less than 18 inches above the ring floor and the top ring rope not more than 52 inches above the ring floor. [~~The bottom ring rope must be padded with a padding of closed cell padding of not less than 1/2 inch (recommend all ring roped be padded of the same thickness and material). Ropes are to be connected with soft rope ties six feet apart.~~] All ring ropes are to be tight and approved by the department or its contractor. All corners must be padded with approved pads. All turnbuckles are to be covered with a protective padding. The ring shall have bright lights and light all four corners and middle of the ring equally. No lights shall shine into the face of the participants, lights may only shine downward and not shine at any angle directly into the fighting ring area that may blind the participants. The promoter shall provide a ringside restrictive barrier between the first row of ringside seats and the ring area event official's area that will prevent the crowd from confronting the participants. The ringside barrier must be a minimum of six feet from the outside edge of the ring;

2. A bell or gong located at the ring no higher than the floor level of the ring. The bell or gong must produce a clear tone easily heard by the participants;

3. Locker rooms adequate in number and equipment to reasonably facilitate the participant's activities before and after the show. Separate locker rooms shall be provided when both male and female participants are scheduled to compete. Locker rooms shall have restroom facilities easily available;

4. A notice to the nearest hospital and the persons in charge of its emergency room of the date, time and location of event.

18VAC120-40-415.2. Wrestling event conduct standards.

A. Wrestling exhibitions shall be conducted inside the ring ropes or inside a securely barricaded area that prevents any direct contact between the participants and the audience.

B. Each match shall be conducted under the supervision of a referee who shall be currently licensed as a wrestler and who shall be responsible for the safety of the participants and spectators.

C. Neither the promoter or referee shall permit physically dangerous conduct or tactics by any participant.

D. Participants shall not intentionally cause a flow of blood or other bodily fluid from his body or any other participant's body during the course of the match. In the event a visible flow of blood or other bodily fluid from any participant occurs during the show, the referee shall immediately suspend the match until medical treatment can be obtained. If the flow of blood or other bodily fluid cannot be stopped, the match involving that participant shall not continue.

E. All participants will report to the event location and their locker rooms at the specified time. Once the participant reports to the event facility and to his locker room he will be disqualified if he leaves the staging area before the match or leaves the facility before the end of the bout without prior approval from the event inspector.

F. Promoters shall maintain peace, order and decency in the conduct of all participants and spectators.

G. Promoters must have, and maintain for review if needed, individual contracts on file for all their participants or shall report to the department, on a form provided by the department, within 24 hours of the completion of the event, any fees promised or received by the participants of that event.

18VAC120-40-415.3. Promoter to allow access to event and facilities.

A. The department may assign one or more representatives to each event to evaluate the contractor's performance or to

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assure compliance with Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. All event officials and representatives of the department assigned to an event, whether to monitor the contractor's performance or for any other authorized purpose, shall be granted immediate access by the promoter and the promoter's representatives to the licensed event and to any area or portion of the event facilities.

C. The promoter is responsible for security of the locker room area and shall permit no person to enter the locker room area except for the promoter or his staff or representative, licensed participants, the event inspector or any individual the department may deem appropriate to ensure compliance with Chapter 8.1 (§54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

Part ~~VI~~ X

Gate Fees

18VAC120-40-420. Reporting, verification, and payment of gate fees.

A. No person, except for members of a local police department or rescue squad on duty covering the event, officials, event staff, promoters and participants may be admitted to the event without a ticket.

B. Each ticket, except those for the working press, officials, employees, and official photographers, shall have the price, name of the promoter, date, and place of the event printed plainly on it.

C. No promoter shall sell a ticket at a price other than the price that appears on the ticket.

D. No promoter shall change a ticket price or the place or date of the event without the approval of the department.

E. Tickets of different prices shall be printed in different colors.

F. The promoter shall permit the inspector to check the number and location of ticket boxes at the gate, ensure that the ticket boxes are sealed and padlocked, and open the ticket boxes and count the tickets after the event.

G. Each ticket issued to the press shall be marked "press."

H. A maximum of 2.0% of the tickets to an event may be complimentary.

I. Each complimentary ticket shall be marked complimentary.

J. The promoter shall provide to the department, prior to the commencement of an event at which admission is charged, a manifest or report on the number, kind, and price of tickets printed for the contest.

K. Each ticket shall be separated from the stub when entering through the gate. No person shall occupy a seat without a stub.

L. Each promoter shall furnish to the department, within 24 hours after the completion of each [~~boxing or wrestling~~] event, a written and verified report on the form provided by the department showing the number of tickets sold, unsold, and given away [~~, the amount of the proceeds donated to a charitable organization that is tax exempt under §501(c)(3) of the Internal Revenue Code,~~] and the amount of gross proceeds thereof for such events originating in the Commonwealth. The report shall also include the total gross proceeds from the sale of rights to distribute in any manner such event by any video, telephonic, or other communication method involving the control of electrons or other charge carriers for such live events originating in the Commonwealth.

~~B.~~ M. The promoter shall pay the department, within the same 24-hour period, a fee of (i) 5.0% of the first \$100,000 of its total gross receipts and (ii) 2.5% of the remainder of its total gross proceeds. These fees shall not be reduced for portions of an event containing amateur matches as set forth in 18VAC120-40-10.

C. N. The department or its contractor may examine or cause to be audited the records and accounts of the promoter.

Part ~~VII~~ XI

Standards of Conduct and Performance

18VAC120-40-430. Grounds for disciplinary action by the department.

A. The department shall have the authority to discipline a licensee through a fine, license suspension, or license revocation for the same reason it may deny licensure or renewal, and for the following reasons, as may be appropriate:

1. Violating or inducing another person to violate any provisions of the federal Professional Boxing Safety Act of 1996 (15 USC §6301 et seq.), Chapters 1, 2, 3 or 8.1 of Title 54.1 of the Code of Virginia or of this chapter.
2. Using misrepresentation or fraud to obtain or attempt to obtain a license or event license.
3. Having a medical condition which makes participation in [~~boxing or wrestling~~] events a health hazard.
4. Altering a license issued by the department.
5. Having been convicted in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing, or of any misdemeanor for acts carried out while engaged in boxing, wrestling, or other athletic activities. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified

copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

6. Having been the subject of disciplinary action taken by Virginia or another jurisdiction in connection with the participation in or promotion of professional athletic contests or activities, including but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.

7. Failing or refusing to appear when directed by the department or its contractor for the purposes of weighing or conducting a medical examination.

8. Failing to furnish a valid reason or a doctor's certificate to explain any failure to appear at an event in which an applicant or licensee agreed to participate by signing a contract.

9. Using unsportsmanlike conduct or other inappropriate behavior inconsistent with generally accepted methods of competition.

10. Failure to meet financial obligations that results in collection proceedings against the bond required by ~~18VAC120-40-230~~ this chapter and §54.1-833 A of the Code of Virginia.

11. Use of profane or abusive language, during the event, including at the weigh-in and prefight meeting.

12. Threatening or inflicting bodily harm upon an official or members of the audience during an event.

13. Making allegations of illegal or improper conduct against officials that the licensee knows or should have known to be false.

14. Use of any alcohol, controlled substances, or stimulants in any part of the body prior to or during an event or being found to be under the influence of alcohol, controlled substances or stimulants during an event.

15. Failure to submit to a urinalysis or chemical test before or after an event upon request of the department or its designee.

16. Failure to fulfill contracts for participation in an event.

17. Wearing facial cosmetics or jewelry of any kind, including any type of body piercing by any participants during a contest [, except that wrestlers may wear cosmetics or jewelry unless the event official determines there is a safety risk].

18. Failure by any participant to secure hair with soft, nonabrasive materials during a contest, when deemed appropriate by the department or its contractor.

[19. Allowing a license, certificate or registration to be used by another.]

B. The department shall conduct disciplinary procedures in accordance with the Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia).

NOTICE: The forms used in administering 18VAC120-40, Virginia Professional Boxing and Wrestling Events 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

Boxing and Wrestling Nonparticipant License Application, ~~41NPLIC~~ 41NPLIC (rev. 7/05).

Boxing and Wrestling Event Card Additions and Deletions Form, 41EVCHG (eff. 8/03).

Boxing and Wrestling Event Surety Bond Form, 41EVBOND (rev. 8/03).

Boxing and Wrestling Deposit Verification, 41DEPOSIT (rev. 8/03).

Boxing and Wrestling Promoter's Fee Report, 41PFRFIN (rev. ~~8/03~~ 2/06).

Boxing Event License Application, 41BEVLIC (~~eff.~~ ~~09/03~~ rev. 8/06).

Boxing License Application, 41BOXLIC (~~eff.~~ ~~09/05~~ rev. 8/06).

Boxing Promoter License Application, 41BPRLIC (eff. 7/05).

Promoters Payout Report, 41PQYREP (~~eff.~~ ~~07/05~~ rev. 4/06).

Wrestling Event License Application, 41WEVLIC (~~eff.~~ ~~09/05~~ rev. 8/06).

Wrestling License Application, 41WLIC (~~eff.~~ ~~09/05~~ rev. 8/06).

Wrestling Promoter License Application, 41WPRLIC (eff. 7/05).

Limited Boxing License Application, 41LTDBOXLIC (eff. 9/05).

Limited Wrestling License Application, 41LTDWLIC (eff. 9/05).

Martial Arts Boxing License Application, 41MALIC (eff. 8/06).

VA.R. Doc. No. R05-200; Filed July 20, 2007, 10:05 a.m.

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Final Regulation

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

Title of Regulation: 23VAC10-210. Retail Sales and Use Tax (amending 23VAC10-210-6041, 23VAC10-210-6042, 23VAC10-210-6043).

Statutory Authority: §58.1-203 of the Code of Virginia.

Agency Contact: Andrea M. Muse, Tax Policy Analyst, Department of Taxation, P.O. Box 27185, Richmond, VA, 23261-7185, telephone (804) 371-2336, FAX (804) 371-2355, or email andrea.muse@tax.virginia.gov.

Summary:

Legislation enacted by the 2004 General Assembly (2004 Acts of Assembly, Special Session I, Chapter 3) increased the sales tax rate from 4.5% to 5.0%. The regulation is being revised to reflect this legislative change.

Additionally, an amendment corrects a reference to another regulation section.

23VAC10-210-6041. Vending machine sales; dealers engaged in the business of placing vending machines.

A. Registration requirements. Except as otherwise authorized by the Tax Commissioner, every person engaged in the business of placing vending machines and selling tangible personal property through such machines shall apply for a Certificate of Registration for each county and city in which machines are placed. A separate registration is required for each place of business from which nonvending machine sales are made. Dealers holding or applying for multiple vending or nonvending registrations may request permission at the time of application to file consolidated vending or nonvending returns.

B. Computation of tax. All items of tangible personal property sold through vending machines by those vending machines dealers engaged in placing vending machines and selling tangible personal property through such machines are

taxable at the rate of ~~5.5%~~ 6.0% (~~4.5%~~ 5.0% state and 1.0% local).

Any dealers, all of whose machines are under contract to nonprofit organizations, should refer to 23VAC10-210-6042. Dealers acquiring items from other suppliers and selling them in the same condition which they were acquired shall compute the ~~5.5%~~ 6.0% tax on the cost price of the purchased tangible personal property. Dealers who manufacture the tangible personal property to be sold through vending machines shall compute the ~~5.5%~~ 6.0% tax on the cost of the manufactured tangible personal property (cost of goods manufactured). The cost of manufactured personal property includes raw material cost plus labor and overhead attributable to the manufacture of the item being sold.

Example:

Dealer A purchases (or manufactures) items, with a total cost price of \$1,000, during the month for sale through vending machines. Dealer A would compute the tax as follows:

Total cost price (\$1,000) X State tax rate (~~.045~~ .05) = State tax (\$~~45~~ \$50)

Total cost price (\$1,000) X Local tax rate (.01) = Local tax (\$10)

TOTAL TAX = ~~\$55~~ \$60

The method of accounting used for federal income tax purposes shall be the accounting method used in determining the cost price of purchased tangible personal property and the cost of manufactured tangible personal property. For example, if the first-in, first-out method of accounting is used for federal income tax purposes, this accounting method shall be used each month for computing the cost price of purchased tangible personal property or the cost of manufactured tangible personal property.

As an alternative method of computing the tax, any dealer unable to maintain satisfactory records to determine the cost price of purchased tangible personal property and the cost of manufactured tangible personal property may request in writing to the Tax Commissioner authority to remit an amount based on a percentage of gross receipts which takes into account the inclusion of the ~~4.5%~~ 5.0% sales tax.

Example:

Dealer B, who has been authorized by the Tax Commissioner to compute the tax based on gross receipts, had gross receipts from vending machine sales during the month of \$3,000. Dealer B would compute the tax as follows:

Gross receipts (\$3,000) X State tax rate (~~.035~~ .04) = State tax (\$~~105~~ \$120)

Gross receipts (\$3,000) X Local tax rate (.01) = Local tax (\$30)

TOTAL TAX = ~~\$135~~ \$150

Upon receiving such authorization from the Tax Commissioner, a return ~~Form ST-9~~ shall be filed to report the ~~4.5%~~ 5.0% sales tax beginning with the period set out in the authorization letter. All subsequent returns shall be filed using this method unless the dealer applies in writing to the Tax Commissioner and is given authorization in writing to change his filing status. Authorization to compute the tax using this alternative method will not eliminate the requirement to maintain records which show the location of each vending machine, purchases and inventories of merchandise bought for sale through vending machines, and total gross receipts for each vending machine.

C. Filing of returns. Except as otherwise authorized by the Tax Commissioner, dealers engaging in the business of placing vending machines and selling tangible personal property through such machines must file a ~~Form VM-2 return~~ to report the tax on the items sold through vending machines.

Returns are due by the 20th day of the month following the period in which tangible personal property is sold through vending machines, with the tax to be computed in the manner set out in subsection B above. A return is required to be filed for each locality where vending machines are located unless a dealer has requested and been granted authority to file a consolidated return.

~~Nonvending machine sales shall not be reported on Form VM-2 but shall be reported on Form ST-9, Dealer's Retail Sales and Use Tax Return.~~

D. Purchases. Tangible personal property purchased for resale through vending machines may be purchased under Certificate of Exemption, Form ST-10. All tangible property purchased for use or consumption by the dealer and not for resale, including vending machines and repair parts for such machines, and withdrawals of tangible personal property from a tax exempt manufacturing or resale inventory for use or consumption by the dealer are subject to the tax at the rate of ~~4.5%~~ 5.0% of the cost price of the property. If the supplier does not charge the tax on purchases for use or consumption, the vending machine dealer shall pay the tax directly to the Department of Taxation on ~~Form ST-9, Dealer's~~ the Retail Sales and Use Tax Return (if he is registered for nonvending sales) or ~~Form ST-7, on the~~ Consumer's Use Tax Return. ~~Tax on purchases for the vending machine dealer's own use or consumption shall not be reported on Form VM-2.~~ Dealers who manufacture or process tangible personal property for sale may be entitled to the industrial exemption for tangible personal property used directly in manufacturing or processing as set forth in §58.1-609.3(2) of the Code of Virginia and ~~23VAC10-210-320~~ 23VAC10-210-920.

E. Records. Records shall be kept for a period of three years and shall show the location of each machine; purchases and inventories of merchandise bought for sales through vending machines; and the cost price of purchased tangible personal property or the cost of manufactured tangible personal property for each machine.

23VAC10-210-6042. Vending machine sales; dealers under contract with nonprofit organizations.

A. Registration requirements. A separate Certificate of Registration (~~application Form R-1~~) is required for each county and city in which vending machines are placed. Dealers holding multiple registrations may request permission to file a consolidated return at the time of application.

B. Computation of tax. Dealers engaged in the business of placing vending machines all of which are under contract to nonprofit organizations may deduct sales of \$.10 or less from gross receipts and divide the remaining balance by ~~1.045~~ 1.05 to determine the amount of taxable sales upon which the ~~4.5%~~ 5.0% tax is due and payable. To qualify for this method of computing the tax, all machines of the vending machine dealer must be under contract to nonprofit organizations.

C. Filing of returns. ~~Form ST-9, Dealer's~~ The Retail Sales and Use Tax Return, is required to be filed for each locality in which vending machines are placed by the 20th day of the month to report the ~~4.5%~~ 5.0% tax on (i) sales made in the previous period and (ii) untaxed purchases for use or consumption by the dealer or withdrawals from tax exempt inventory for use or consumption by the dealer.

D. Records. A contract shall be kept for each vending machine under contract to nonprofit organizations. Additionally, records shall be kept for a period of four years to show the location of each vending machine, purchases and inventories of merchandise bought for sale, and total gross receipts for each vending machine separating items sold for \$.10 or less from items sold for more than \$.10.

23VAC10-210-6043. Vending machine sales; other dealers selling tangible personal property through vending machines.

Dealers not engaged in the business of placing vending machines but who use vending machines at their places of business to sell merchandise, e.g., service station operators, must report the tax at the rate of ~~4.5%~~ 5.0% of gross taxable sales on the same return on which nonvending machine sales are reported (~~Form ST-9, Dealer's Retail Sales and Use Tax Return~~).

VA.R. Doc. No. R07-710; Filed July 18, 2007, 8:40 a.m.

Final Regulation

Title of Regulation: **23VAC10-210. Retail Sales and Use Tax (amending 23VAC10-210-485).**

Statutory Authority: §58.1-203 of the Code of Virginia.

Regulations

Agency Contact: Andrea M. Muse, Tax Policy Analyst, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-2336, FAX (804) 371-2355, or email andrea.muse@tax.virginia.gov.

Summary:

This regulatory action will amend the Sales and Use Tax Dealer Discount regulation to reflect statutory changes in the Retail Sales and Use Tax and Vending Machine Tax Rates.

Legislation enacted by the 2004 General Assembly (2004 Acts of Assembly, Special Session I, Chapter 3) increased the sales tax rate from 4.5% to 5.0%. The regulation is being revised to reflect this legislative change.

23VAC10-210-485. Dealer's compensation or discount.

A. Generally. As compensation for accounting for and paying the state tax, a dealer is allowed a discount of 2.0%, 3.0%, or 4.0%, depending on the volume of monthly taxable sales, of the first 3.0% of the state tax due in the form of a deduction, provided the amount due was not delinquent at the time of payment. No compensation is allowed on the ~~additional 0.5% remainder of the state sales tax levied effective January 1, 1987,~~ or on the local tax. Dealers must compute the discount without regard to the number of certificates of registration that they hold (see subsection C below).

To compute the dealer's discount, a dealer (other than a vending machine dealer) would multiply the ~~3.5%~~ 4.0% state tax listed on his return by:

1. ~~3.43% (or .0343)~~ 3.0% (or .03) if monthly taxable sales are less than \$62,501; or
2. ~~2.57% (or .0257)~~ 2.25% (or .0225) if monthly sales are at least \$62,501 but are less than \$208,001; or
3. ~~1.71% (or .0171)~~ 1.5% (or .015) if monthly taxable sales equal or exceed \$208,001.

Examples:

Dealer A who makes taxable sales of \$10,000 during the month would report state and local tax of ~~\$450~~ \$500 (~~\$350~~ \$400 state tax and \$100 local tax), from which he would retain a dealer's discount of ~~\$12.04~~ \$12, provided that his return is timely filed and the state and local tax is timely paid. The ~~\$12.04~~ \$12 discount is computed by multiplying the ~~3.5%~~ 4.0% state tax (~~\$350~~ \$400) by ~~3.43%~~ 3.0% since the dealer's monthly taxable sales volume is less than \$62,501.

Dealer B who makes taxable sales of \$250,000 during the month would report state and local tax of ~~\$11,250~~ \$12,500 (~~\$8,750~~ \$10,000 state tax and \$2,500 local tax), from which he would retain a dealer's discount of ~~\$149.63~~ \$150, provided that his return is timely filed and the state and

local tax is timely paid. The ~~\$149.63~~ \$150 discount is computed by multiplying the ~~3.5%~~ 4.0% state tax (~~\$8,750~~ \$10,000) by ~~1.71%~~ 1.5% since the dealer's monthly taxable sales volume is greater than \$208,001.

B. Vending machine sales. In the case of a vending machine dealer who pays combined state and local tax at the rate of ~~5.5%~~ 6.0% on his wholesale purchases for resale, the dealer's discount would be computed by multiplying the ~~4.5%~~ 5.0% state tax listed on his return by:

1. ~~3.56% (or .0356)~~ 3.2% (or .032) if monthly taxable sales are less than \$62,501; or
2. ~~2.67% (or .0267)~~ 2.4% (or .024) if monthly taxable sales are at least \$62,501 but are less than \$208,001; or
3. ~~1.78% (or .0178)~~ 1.6% (or .016) if monthly taxable sales equal or exceed \$208,001.

Examples:

Vending machine dealer A with \$15,000 in wholesale purchases for resale during the month would report state and local tax of ~~\$825~~ \$900 (~~\$675~~ \$750 state tax and \$150 local tax), from which he would retain a dealer's discount of ~~\$24.03~~ \$24, provided that his return is timely filed and the state and local tax is timely paid. The ~~\$24.03~~ \$24 discount is computed by multiplying the ~~4.5%~~ 5.0% state tax (~~\$675~~ \$750) by ~~3.56%~~ 3.2% since the dealer's monthly taxable sales volume is less than \$62,501.

Vending machine dealer B with \$200,000 in wholesale purchases for resale during the month would report state and local tax of ~~\$11,000~~ \$12,000 (~~\$9,000~~ \$10,000 state tax and \$2,000 local tax), from which he would retain a dealer's discount of ~~\$240.30~~ \$240, provided that his return is timely filed and the state and local tax is timely paid. The ~~\$240.30~~ \$240 discount is computed by multiplying the ~~4.5%~~ 5.0% state tax (~~\$9,000~~ \$10,000) by ~~2.67%~~ 2.4% since the dealer's monthly taxable sales volume is at least ~~\$62,501~~ \$62,501 but is less than \$208,001.

C. Multiple registrations. Dealers holding two or more certificates of registration must compute the dealer's discount based upon taxable sales from all business locations. This requirement applies to dealers filing consolidated returns and those filing separate returns for each business location.

Example:

Dealer C holds separate certificates of registration for five business locations. Each location has monthly taxable sales of less than \$62,501, but total taxable sales for all five locations are \$300,000 for the month. Because total taxable sales exceed \$208,001, the dealer's discount is computed using the ~~1.71%~~ 1.5% discount rate.

Dealers with multistate business locations must compute the discount based upon taxable sales from all business

locations in Virginia and on Virginia taxable sales from out-of-state business locations.

Example:

Dealer A, with business locations in Virginia, also has business locations in other states, all of which are registered for collection and remittance of the tax. The out-of-state business locations sell goods to Virginia customers located in Virginia. The total monthly taxable sales for all Dealer A's Virginia business locations are \$200,000, and the total Virginia taxable sales from Dealer A's out-of-state business locations are \$100,000. Because total taxable sales exceed \$208,001, the dealer's discount is computed using the ~~4.71%~~ 1.5% discount rate.

The department will perform a reconciliation, on an annual basis or more frequently, of dealers holding multiple certificates of registration in order to ensure that the dealer's discount is computed properly by those dealers.

D. Quarterly filers. Dealers filing quarterly returns may determine the appropriate dealer's discount rate by dividing their quarterly taxable sales by 3.

Example:

Dealer D has quarterly taxable sales of \$100,000. His average monthly taxable sales for the quarter ($\$100,000 \div 3$) are \$33,333.33. Because his average monthly taxable sales are less than \$62,501, Dealer D would compute the dealer's discount using the ~~3.43%~~ 3.0% rate.

E. Refund requests. Any amount of tax refunded by the department to a dealer will be reduced by any dealer's discount claimed on the transaction to which the refund relates. For example, if a dealer sells an item for \$1,000, timely files a return reporting the ~~\$45~~ \$50 tax on the transaction and claims the discount, the amount refunded would be ~~\$43.80~~ \$48.80 ($\$45$ ~~\$50~~ less ~~3.43%~~ 3.0% of the ~~\$35~~ \$40 state tax = $\$45$ ~~\$50~~ - 1.20 = ~~\$43.80~~ \$48.80) (assuming the dealer's taxable sales during the month of the sale were less than \$62,501).

For extensions, see 23VAC10-210-550; for penalties and interest, see 23VAC10-210-2030 through 23VAC10-210-2034.

VA.R. Doc. No. R07-711; Filed July 18, 2007, 8:53 a.m.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

BOARD OF TOWING AND RECOVERY OPERATORS

Fast-Track Regulation

Title of Regulation: **24VAC27-10. Public Participation Guidelines (adding 24VAC27-10-10 through 24VAC27-10-120).**

Statutory Authority: §§2.2-4007.01 and 46.2-2809 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public comments: Public comments may be submitted until October 5, 2007.

Effective Date: September 20, 2007.

Agency Contact: Benjamin Foster, Executive Director, Board for Towing and Recovery Operators, C/O Department of Motor Vehicles, Post Office Box 27412, Richmond, VA 23269-0001, telephone (804) 367-0226, FAX (804) 367-6631, TTY (800) 272-9268, or email benjamin.foster@dmv.virginia.gov.

Basis: Regulations are promulgated under the general authority of Chapter 28 (§46.2-2800 et seq.) of Title 46.2 of the Code of Virginia. Section 46.2-2809 establishes the authority of the board to promulgate regulations.

Purpose: The Virginia Board for Towing and Recovery Operators was established by Chapters 874 and 891 of the 2006 Acts of Assembly. The board went into effect July 1, 2006. Licensure, regulation, and enforcement of standards of practice are to go into effect on July 1, 2008. As such public participation guideline regulations for the board do not exist. Absent of these regulations the board has no set guidelines outside of the Code of Virginia that allows for public participation in the promulgation of regulation.

Section 2.2-4007.02 of the Code of Virginia specifies that "Public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations shall be developed, adopted and utilized by each agency pursuant to the provision of this chapter." By proposing these regulations the board is aiming to institute a mechanism by which to comply with §2.2-4007.02.

This regulation is essential to protect the health, safety, or welfare of citizens of the Commonwealth in that it provides a venue for participation of promulgation of regulation by users of, professionals in, and those interested in the towing and recovery profession in the Commonwealth. Further, these regulations seek to expand participation by providing for electronic exchange with the public and thereby increase participation, reduce cost of doing so, and improving the

Regulations

speed of communication. Diverse participation in the promulgation of regulation allows for a final product that more consistently represents the ideas, beliefs, and norms of the citizens of the Commonwealth.

The major problem facing the board at this point is that there is no regulation regarding public participation guidelines. This proposal is intended to rectify that situation in an acceptable manner relatively quickly.

Rationale: The board is proposing the use of the fast-track process to promulgate this regulation for the following reason.

This board needs to have regulations in place July 1, 2008, in order to license persons engaged in business in the Commonwealth as a towing and recovery operator as a Class A or Class B operator as set out in §46.2-2812 (licenses required) of the Code of Virginia. By having a public participation guideline regulation in place prior to promulgating a professional practice regulation, the board can assure that procedures were followed allowing for public participation as set out in the Administrative Process Act (§2.2-4000 et seq.) of the Code of Virginia.

The board expects this rulemaking to be noncontroversial in that boilerplate public participation guideline regulations currently utilized by regulatory boards in the Commonwealth of Virginia have been used. In that public participation should be consistent with the requirements of the Administrative Process Act there is, for the most part, no mention of board specific requirements.

Further, these regulations will allow for the participation and oversight of the public in the rulemaking activities of the board. As such, the board believes that there will be no objections from the very people who would benefit from its existence.

Substance: The proposed regulation promulgates public participation guidelines including definitions, purpose, notification lists, documents to be sent to persons on the lists, petition for rulemaking, notice of intended regulatory action, notice of 60-day comment period, periodic review of regulations, notice of meeting, and ad hoc advisory committees.

Issues: Regulations providing for public participation guidelines are requirements on the board in compliance with the Administrative Process Act (APA). As such the primary disadvantage to all (public, Commonwealth, agency, and regulated community) concerned with the profession of towing and recovery is the current lack of these regulations. Likewise, the primary advantage of this proposed regulation is that it brings the board into compliance with the APA and allows a specified avenue for public participation.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The Virginia Board for Towing and Recovery Operators (Board) proposes to promulgate new Public Participation Guidelines. The Board was established by the 2006 Acts of the General Assembly. The proposed regulation will provide guidelines for the involvement of the public in the formation and development of the Board's regulations.

Results of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The 2006 Acts of General Assembly (HB 1258; CH. 874/SB 134; CH. 891) establishes a new Board for Towing and Recovery Operators to license and regulate the towing and recovery industry and tow truck drivers. The Board went into effect July 1, 2006. Licensure, regulation, and enforcement of standards of practice are to go into effect on July 1, 2008. The Board proposes to promulgate the Public Participation Guidelines using the fast track process so as to allow for public participation in the formation and development of its professional practice regulations.

According to the proposed regulation, any person may petition the Board to develop a new regulation or amend an existing regulation. The board shall receive, consider and respond to a petition within 180 days, and shall have the sole authority to dispose of the petition.

The proposed regulation requires that the board shall maintain lists of persons who have requested to be notified of the initial formation, development, amendment or repeal of regulations. Any person may request to be placed on a notification list by indicating so electronically or in writing to the Board. Persons on the notification lists shall be mailed or have electronically transmitted the following documents related to the promulgation of regulations: 1) a notice of intended regulatory action (NOIRA), 2) a notice of the comment period on a proposed regulation and instructions as to how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office, and 3) a notice soliciting comment on a final regulation when the regulatory process has been extended.

The board shall issue a NOIRA whenever it considers the adoption, amendment or repeal of a regulation. The NOIRA shall state the purpose of the action and a brief statement of the need or problem the proposed action will address. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA. If prior to the close of the 30-day comment period on the NOIRA, the board receives a request for a public hearing on the proposed regulation from at least 25 persons or if the Governor directs the board to hold a public hearing, such a hearing shall be scheduled.

Prior to the 60-day comment period, the board shall issue a notice of comment period (NOCP) whenever it propose to

initiate, amend or repeal a regulation or amend an existing regulation under a fast-track process. The NOCP shall indicate that copies of the proposed regulation are available electronically or from the board and may be requested in writing from the contact person specified in the NOCP. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing. The NOCP shall make provision for comments pertaining to the proposed regulation by regular mail, facsimile or electronic means. With the exception of comment received at a scheduled public hearing, oral comment shall not be accepted.

The Board shall also post a notice of meeting with description of the subject electronically on the Virginia Regulatory Town Hall and transmit it to the Registrar of regulations for inclusion in the Virginia Register, for any meeting at which the formation, amendment, repeal, or adoption of a regulation is anticipated.

The proposed regulation will create a benefit by allowing for the participation and oversight of the public in the rule making activities of the Board, which will likely exceed the projected one-time expense of printing and mailing copies of the regulation to future licensees.

Businesses and Entities Affected. The proposed regulation will affect operators of towing and recovery businesses, businesses and individuals using the services of towing and recovery business, and localities with specific rules and regulations pertaining to the towing and recovery industry including Newport News, Virginia Beach, Norfolk, Fairfax, and Prince William. The proposed regulation will also affect any other persons or entities that are interested in the board's regulations. The Board estimates that there will be around 3,000 licensees by the time licensure is required on July 1, 2008, with 1,500 of them being businesses and the other 1,500 being operators and drivers.

Localities Particularly Affected. The proposed regulation will affect all localities in the Commonwealth. It will particularly affect localities that have specific rules and regulations pertaining to the towing and recovery industry, including Newport News, Virginia Beach, Norfolk, Fairfax, and Prince William.

Projected Impact on Employment. The proposed regulation will likely not affect employment.

Effects on the Use and Value of Private Property. The proposed regulation will likely not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed regulation will provide the small businesses with guidelines to participate in the formation and development of the Board's professional practice regulations, which will benefit the small businesses. According to the Board, there are approximately 1,500 small towing and recovery businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed regulation will not adversely affect small businesses.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with §2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 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 Response to Department of Planning and Budget's Economic Impact Analysis: The Board of Towing and Recovery Operators concurs with the analysis of the Department of Planning and Budget regarding its review and comments of the board's Public Participation Guideline Regulations (24VAC27-10).

Summary:

The board intends to establish new public participation guideline regulation for the Virginia Board for Towing and Recovery Operators. The Virginia Board for Towing and Recovery Operators was established by Chapters 874 and 891 of the 2006 Acts of Assembly. The board went into effect July 1, 2006. Licensure, regulation, and enforcement of standards of practice are to go into effect on July 1, 2008.

CHAPTER 10

PUBLIC PARTICIPATION GUIDELINES

Part I

Purpose and Definitions

Regulations

24VAC27-10-10. Purpose.

The purpose of this chapter is to provide guidelines for the involvement of the public in the initial formation and development, amendment or repeal of regulations of the Board for Towing and Recovery Operators. The guidelines do not apply to regulations exempted or excluded from the provisions of the Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia).

24VAC27-10-20. Definitions.

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

"Administrative Process Act" means Chapter 40 (§2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Board" means the Board for Towing and Recovery Operators.

"Notification lists" means lists used by the board to notify persons pursuant to these rules. Such lists may include electronic lists maintained through the Virginia Regulatory Town Hall or lists maintained by the board.

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

"Regulation" means any statement of general application having the force of law, affecting the rights or conduct of any person, adopted by the board in accordance with the authority conferred on it by applicable laws.

Part II

Notification Lists

24VAC27-10-30. Composition of notification lists.

A. The board shall maintain lists of persons who have requested to be notified of the initial formation, development, amendment or repeal of regulations.

B. Any person may request to be placed on a notification list by indicating so electronically or in writing to the board. The board may add to a list any person it believes will serve the purpose of enhancing participation in the regulatory process.

C. The board may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. The board shall periodically request those persons on the notification lists to indicate their desire to either continue to receive documents by regular mail, be notified electronically or be deleted from the lists. Persons who elect to be included on an electronic mailing list may also request that all notices and mailings be sent in hard copy. When mail is returned as undeliverable, the person or organization will be deleted from the list. When consecutive electronic notifications are

returned as undeliverable over a period lasting at least 24 hours, the person or organization may be deleted from the list. A single undeliverable message is insufficient cause to delete the person or organization since temporary server problems can cause such undeliverable messages.

24VAC27-10-40. Documents to be sent to persons on the notification lists.

A. Persons on the notification lists, as described in 24VAC27-10-30, shall be mailed or have electronically transmitted the following documents related to the promulgation of regulations:

1. A notice of intended regulatory action.
2. A notice of the comment period on a proposed regulation and instructions as to how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office.
3. A notice soliciting comment on a final regulation when the regulatory process has been extended.

B. Notification of the adoption of a final regulation and copies of the regulation shall be posted on the board's website prior to the 30-day adoption period.

C. The failure of any person to receive any notice or copies of any documents shall not affect the validity of any regulation otherwise adopted in accordance with this chapter.

Part III

Public Participation Procedures

24VAC27-10-50. Petition for rulemaking.

A. As provided in §2.2-4007 A of the Code of Virginia, any person may petition the board to develop a new regulation or amend an existing regulation.

B. A petition shall include but need not be limited to the following:

1. The petitioner's name, mailing address, telephone number, and, if applicable, the organization represented in the petition.
2. The number and title of the regulation to be addressed.
3. A description of the regulatory problem or need to be addressed.
4. A recommended addition, deletion, or amendment to the regulation.

C. The board shall receive, consider and respond to a petition within 180 days and shall have the sole authority to dispose of the petition.

D. Nothing herein shall prohibit the board from receiving information from the public and proceeding on its own motion for rulemaking.

24VAC27-10-60. Notice of intended regulatory action.

A. The board shall issue a notice of intended regulatory action (NOIRA) whenever it considers the adoption, amendment or repeal of a regulation. The NOIRA shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA.

C. If prior to the close of the 30-day comment period on the NOIRA, the board receives a request for a public hearing on the proposed regulation from at least 25 persons or if the Governor directs the board to hold a public hearing, such a hearing shall be scheduled.

24VAC27-10-70. Notice of comment period.

A. Prior to the 30-day comment period, the board shall issue a notice of comment period (NOCP) whenever it proposes to initiate, amend or repeal a regulation or amend an existing regulation under a fast-track process. The NOCP shall indicate that copies of the proposed regulation are available electronically or from the board and may be requested in writing from the contact person specified in the NOCP.

B. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

C. The NOCP shall make provision for comments pertaining to the proposed regulation by regular mail, facsimile or electronic means. With the exception of comment received at a scheduled public hearing, oral comment shall not be accepted.

24VAC27-10-80. Notice of meeting.

A. At any meeting of the board or advisory committee at which the formation, amendment, repeal, or adoption of a regulation is anticipated, the subject shall be described in a notice of meeting, which has been posted electronically on the Virginia Regulatory Town Hall and transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

B. If the board anticipates action on a regulation for which an exemption to the Administrative Process Act is claimed under §2.2-4002 or 2.2-4011 of the Code of Virginia, the notice of meeting shall indicate that a copy of the proposed regulation may be requested from the board at least two days prior to the meeting. A copy of the regulation shall be made available to the public attending such meeting.

24VAC27-10-90. Public hearings on regulations.

The board shall conduct a public hearing during the 60-day comment period following the publication of a proposed

regulation or amendment to an existing regulation unless, at a noticed meeting, the board determines that a hearing is not required.

24VAC27-10-100. Periodic review of regulations.

A. The board shall conduct a periodic review of its regulations consistent with an executive order issued by the Governor to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. A periodic review may be conducted separately or in conjunction with other meetings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register and shall be sent to the notification lists identified in 24VAC27-10-30.

Part IV

Ad Hoc Committees

24VAC27-10-110. Appointment of committees.

A. The board may appoint an ad hoc committee whose responsibility shall be to assist in the review and development of regulations for the board.

B. The board may appoint an ad hoc committee to provide professional specialization or technical assistance when the board determines that such expertise is necessary to address a specific regulatory issue or need or when groups of individuals register an interest in working with the agency.

24VAC27-10-120. Limitation of service.

A. An ad hoc committee that has been appointed by the board may be dissolved by the board when:

1. There is no response to the notice of intended regulatory action; or
2. The board determines that the promulgation of the regulation is either exempt or excluded from the requirements of the Administrative Process Act.

B. An ad hoc committee shall remain in existence no longer than 18 months from its initial appointment unless the board determines that the specific regulatory need continues to exist beyond that time. The board may authorize the ad hoc committee to continue for an additional specified period of time to complete the task for which it was appointed.

VA.R. Doc. No. R07-698; Filed July 18, 2007, 1:07 p.m.



GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) - Accotink Creek and Difficult Run

Announcement of total maximum daily load (TMDL) studies to restore water quality in parts of Accotink Creek and Difficult Run that have benthic and bacteria impairments.

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation announce the first public meeting to introduce the Accotink Creek and Difficult Run TMDL studies.

Public Meeting: Tuesday, August 14, 2007, from 7 p.m. to 9 p.m., Fairfax County Government Center, 12000 Government Center Parkway, Conference Rooms 2 and 3, Fairfax, VA 22035.

Meeting description: This is the first meeting to introduce this project to the public. The purpose of this meeting is to gather information and discuss the study with community members.

Description of study: Portions of Accotink Creek and Difficult Run have been identified as impaired on the Clean Water Act §303(d) list for not supporting the primary contact recreation use due to elevated levels of bacteria, and the aquatic life use due to poor health in the benthic biological community. Virginia agencies are working to identify the sources of bacteria contamination and benthic stressors for these two stream segments. The impaired segment of Difficult Run is located in portions of the City of Fairfax and Fairfax County. The impaired segment of Accotink Creek is also located in portions of the City of Fairfax and Fairfax County. Below is a description of the impaired portions of Accotink Creek and Difficult Run that will be addressed in this study:

Stream Name	Locality	Impairments	Area (miles)	Upstream Limit	Downstream Limit
Accotink Creek	Fairfax County City of Fairfax	Fecal Coliform Bacteria Benthic	7.35	Confluence of Accotink Creek with Calamo Branch	Start of the tidal waters of Accotink Bay
Difficult Run	Fairfax County City of Fairfax	E. Coli Bacteria Benthic	2.93	Confluence of Difficult Run with Captain Hickory Run	Confluence of Difficult Run with the Potomac River

During the study, DEQ will develop a total maximum daily load, or a TMDL, for each impaired stream segment, for each specific impaired use. A TMDL is the total amount of a pollutant a water body can receive and still meet water quality standards. To restore water quality, contamination levels have to be reduced to the TMDL allocated amount.

How to comment: The public comment period on the materials presented at the public meeting will extend from August 14, 2007, to September 13, 2007. DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting, and be received by DEQ during the comment period. Please send all comments to the contact listed below.

Contact for additional information: Katie Conaway, Virginia Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3804, or email mkconaway@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek in Augusta and Rockbridge Counties

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of total maximum daily loads (TMDLs) for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek in Augusta and Rockbridge counties. Hays Creek was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria. This impairment extends for 11.99 miles from Moffatts Creek to the confluence with the Maury River. Tributaries of Hays Creek, including Moffatts Creek, Walker Creek, and Otts Creek are also listed on the 2006 303(d) TMDL Priority List and Report for violations of the state's water quality standard for bacteria.

Section 303(d) of the Clean Water Act and §62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of these TMDLs will be held on Thursday, August 21, 2007, 7 p.m. at the Rockbridge Baths Volunteer Fire Department, 5024 Maury River Rd., Rockbridge Baths, Virginia.

The public comment period for the first public meeting will end on September 21, 2007. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or email rbrent@deq.virginia.gov.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of

Regulations on February 9, 2007. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Director's Order Number Thirty-Five (07)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on July 13, 2007:

Game 695	Blackjack Showdown
Game 712	Cashword Double Bonus
Game 725	Bank Roll
Game 726	\$150,000 Payday
Game 739	Safari Riches
Game 743	Little Green Men Doubler
Game 745	Super Deuces
Game 747	The Cash Zone
Game 752	WSOP \$100,000 TX Hold'em
Game 753	Fast Cash
Game 755	\$50,000 Poker Nights
Game 757	Jack In The Box
Game 759	\$75,000 Pinball
Game 760	King of Cash
Game 762	\$20,000 Table Stakes Doubler
Game 763	Queen of Hearts

The last day for lottery retailers to return for credit unsold tickets from any of these games will be August 17, 2007. The last day to redeem winning tickets for any of these games will be January 9, 2008, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a postmark of the United States Postal Service or another sovereign nation of January 9, 2008, or earlier, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of lottery games.

This order is available for inspection and copying during normal business hours at the Virginia Lottery headquarters, 900 East Main Street, Richmond, Virginia; and at any Virginia Lottery regional office. A copy may be requested by mail by writing to Director's Office, Virginia Lottery, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Shelia Hill-Christian
Executive Director

July 11, 2007

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Periodic Review of Regulations

Pursuant to Executive Order 36 (2006), The Virginia Department of Mines, Minerals and Energy is conducting a periodic review and invites public comment on the following regulations:

4VAC25-60, Rules and Regulations Governing the Installation and Use of Automated Temporary Roof Support Systems

4VAC25-70, Rules and Regulations Governing Disruption of Communications in Mines

4VAC25-90, Rules and Regulations Governing the Use of Diesel-Powered Equipment in Underground Coal Mines

4VAC25-101, Regulation Governing Vertical Ventilation Holes and Mining Near Gas and Oil Wells

4VAC25-110, Rules and Regulations Governing Blasting in Surface Mining Operations

4VAC25-120, Requirements for Installation and Use of Cabs and Canopies

The department will consider whether these existing regulations are essential to protecting the health, safety and welfare of the public. The department welcomes specific comments on the performance and effectiveness of these regulations and also requests suggestions to improve the content and organization of the regulations to make them more understandable and useful.

The comment period for this review begins on August 6, 2007, and ends at 5 p.m. on September 5, 2007. Comments may be submitted to Tabitha Hibbitts Peace, Policy Analyst, Department of Mines, Minerals and Energy, Division of Administration, P.O. Drawer 900, Big Stone Gap, VA 24219-0900 or email tabitha.peace@dmme.virginia.gov.

Regulations may be viewed online at the Virginia Regulatory Town Hall site located at <http://www.townhall.state.va.us>, or copies will be sent upon request.

COMMONWEALTH TRANSPORTATION BOARD

Notice Concerning Relationship Between Content of the Virginia Department of Transportation's (VDOT's) Proposed Land Use Permit Manual (24VAC30-151) and Legislative Mandate to Publish Access Management Standards

Virginia Department of Transportation published a proposed Land Use Permit Manual (24 VAC 30-151) to replace the existing regulation in the July 9, 2007, edition (Volume 23, Issue 22) of The Virginia Register after receiving approval from the Governor's Office. The public comment period for this regulatory stage extends through September 9, 2007.

General Notices/Errata

During the Executive Branch review required for Administrative Process Act regulations, the General Assembly enacted Chapters 863 and 928 of the 2007 Acts of Assembly. These chapters directed the Commonwealth Transportation Commissioner to develop and implement comprehensive highway access management standards to preserve and improve the efficient operations of the state systems of highways. The standards are to include guidelines for the location, number, and spacing and design of entrances, median openings, turn lanes, street intersections, traffic signals, and interchanges.

Although the standards are exempt from the Administrative Process Act, the commissioner was further directed to solicit and consider public comment in their development, and to publish them no later than December 31, 2007, to take effect July 1, 2008.

Part IV of the proposed Land Use Permit Manual deals with entrances, which is a component of the standards VDOT is mandated to implement. Unlike the access management standards, this regulation is subject to the Administrative Process Act, and is not anticipated to be finalized before the mandate's publication deadline. The public is requested to defer any comments regarding this part of the proposed regulation until proposed access management standards can be published and a formal public hearing and comment period can be held concerning these standards prior to adoption by VDOT. VDOT plans to publish proposed text in The Virginia Register and hold a public hearing in mid to late September. After comments are received, the Commonwealth Transportation Board will act on the final regulations, and publication will occur in December.

Contact Information: Paul Grasewicz, AICP/Access Management Program Administrator, Asset Management Division, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 662-9721 or FAX (804) 662-9405.

STATE WATER CONTROL BOARD

Proposed Consent Special Order - Bowman Apple Products Co., Inc.

Purpose of notice: To invite citizens to comment on a proposed consent order for a facility in Shenandoah County, Virginia.

Public comment period: August 6, 2007, to September 6, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Bowman Apple Products Co., Inc. to address alleged violations of the permit and regulations. The location of the facility where the alleged violations occurred is located Mount Jackson, Shenandoah

County, Virginia. The consent order describes a settlement to resolve these violations.

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.

Contact for public comments, documents requests and additional information: Steven W. Hetrick, Department of Environmental Quality, Valley Regional Office, Post Office Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7833, FAX (540) 574-7844, or email swhetrick@deq.virginia.gov.

Proposed Consent Special Order - Hampton Roads Sanitation District

Purpose of notice: To seek public comment on a proposed consent order between the State Water Control Board and the Hampton Roads Sanitation District, the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, and York; the James City Service Authority; and the town of Smithfield all located in Virginia.

Public comment period: August 6, 2007, to September 5, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to the Hampton Roads Sanitation District, the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, and York; the James City Service Authority; and the town of Smithfield to address alleged violations of the State Water Control Law. The consent order describes a settlement to resolve alleged violations resulting from sanitary sewer overflows.

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.

Contact for public comments, document requests and additional information: Maria R. Nold, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA 23462, telephone (757) 518-2173, FAX (757) 518-2003, or email mrnold@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Elimination of the Calendar of Events Section

Effective July 1, 2007, the Calendar of Events section will no longer be published in the Virginia Register of Regulations. Chapter 300 of the 2007 Acts of Assembly amended the Administrative Process Act by eliminating the requirement that all state agency meeting notices be published in the Virginia Register. In lieu of publication in the Virginia Register, the Virginia Freedom of Information Act was amended to require that agencies post meeting notices on the agency's website and on the Commonwealth Calendar maintained by the Virginia Information Technologies Agency. To access the Commonwealth Calendar, please visit the Commonwealth of Virginia's homepage at www.virginia.gov and click on the calendar on the right side of the screen. Public hearing information will still be published in the Register and can be found with the corresponding proposed regulation.

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

Filing Material for Publication in the Virginia Register of Regulations

Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the Virginia Register of Regulations. The Office of the Virginia Register of Regulations implemented a new web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked closely with the Department of Planning and Budget (DPB) to coordinate the new system with DPB's latest upgrade to the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information. The new system was released on July 3, 2007.

Advantages of RIS include:

- Daily updates to the online version of the Virginia Administrative Code (VAC) will provide access to a "real time" administrative code database.
- Agencies will draft regulation sections using the always current VAC database through each stage of the regulatory process.
- Agencies will eventually be able to file most notices and regulatory actions electronically.

The Office of the Virginia Register is working toward the eventual elimination of the requirement that agencies file print copies of regulatory packages. Until that time, agencies may file petitions for rulemaking, notices of

intended regulatory actions and general notices in electronic form only; however, until further notice, agencies must continue to file print copies of proposed, final, fast-track and emergency regulatory packages.

ERRATA

STATE CORPORATION COMMISSION

Title of Regulation: 21VAC5-110. Retail Franchising Act Rules (adding 21VAC5-110-65 and 21VAC5-110-75).

Publication: 23:23 VA.R. 3959-3961 July 23, 2007

Correction to Final Regulation:

Page 3959, 21VAC5-110-65 B, line 2, strike "located"

Page 3961, 21VAC5-110-75, subdivision 5 a, line 8, strike "at the earlier of" through "(2) Ten business" and insert "14 calendar"

Page 3961, 21VAC5-110-75, subdivision 7, line 1, change "7." to "6."

Page 3961, 21VAC5-110-75, subdivision 7, line 2, change "3, 4 and 5" to "3 and 4"

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: 13VAC5-31. Virginia Amusement Device Regulations (amending 13VAC5-31-20, 13VAC5-31-30, 13VAC5-31-40, 13VAC5-31-210; adding 13VAC5-31-75, 13VAC5-31-85, 13VAC5-31-220, 13VAC5-31-230, 13VAC5-31-240, 13VAC5-31-250, 13VAC5-31-260, 13VAC5-31-270, repealing 13VAC5-31-70, 13VAC5-31-80, 13VAC5-31-90, 13VAC5-31-100, 13VAC5-31-110, 13VAC5-31-120, 13VAC5-31-130, 13VAC5-31-140, 13VAC5-31-150, 13VAC5-31-160, 13VAC5-31-170).

Publication: 23:23 VA.R. 3919 July 23, 2007.

Correction to Proposed Regulation:

"Public hearing information" incorrectly stated that no public hearings are scheduled. Public hearings are scheduled as follows:

July 24, 2007 – 10 a.m. – Greater Richmond Convention Center, 403 North Third Street, Room B-10 (Lecture Hall), Richmond, VA

Under "Public comments," the public comment deadline date of "October 5, 2007" is incorrect and should be changed to "September 23, 2007."

* * *

General Notices/Errata

Title of Regulation: 13VAC5-91. Virginia Industrialized Building Safety Regulations (amending 13VAC5-91-20, 13VAC5-91-100, 13VAC5-91-160, 13VAC5-91-270; repealing 13VAC5-91-110).

Publication: 23:23 VA.R. 3930 July 23, 2007.

Correction to Proposed Regulation:

"Public hearing information" incorrectly stated that no public hearings are scheduled. Public hearings are scheduled as follows:

July 24, 2007 – 10 a.m. – Greater Richmond Convention Center, 403 North Third Street, Room B-10 (Lecture Hall), Richmond, VA

**DEPARTMENT OF MEDICAL ASSISTANCE
SERVICES**

Title of Regulation: 12VAC30-120. Waivered Services (IFDDS Waiver Services) (amending 12VAC30-120-700 through 12VAC30-120-750, 12VAC30-120-752, 12VAC30-120-753, 12VAC30-120-754, 12VAC30-120-756, 12VAC30-120-758, 12VAC30-120-760, 12VAC30-120-762, 12VAC30-120-764, 12VAC30-120-766, 12VAC30-120-770, 12VAC30-120-772, 12VAC30-120-774, 12VAC30-120-776; repealing 12VAC30-120-768, 12VAC30-120-780, 12VAC30-120-790).

Publication: 23:20 VA.R. 3197 June 11, 2007

Correction to Final Regulation:

Page 3197, 12VAC30-120-756 A, line 9 after "clinical nursing," insert "[behavioral consultation,]"